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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRY E. WILLIAMS JR.,  
Plaintiff

: CIVIL NO.: 1:CV-01-0877

v.

: *J. D'Andrea* FILED  
: HARRISBURG, PA

PENNSYLVANIA TURNPIKE COMMISSION, :  
Defendants :

SEP 24 2002

MARY E. D'ANDREA, CLERK  
Per *[Signature]* Deputy Clerk

PLAINTIFF'S RESPONSE TO  
DEFENDANT'S STATEMENT OF MATERIAL FACTS

Local Rule 56.1 requires that a motion for summary judgment must be accompanied by a separate *short* and *concise* statement of the material facts as to which the parties contend there is no genuine issue to be tried. Shortness and conciseness are ostensibly required to readily permit a simple admission and/or denial without unnecessary qualification and prolixity in response. Plaintiff therefore objects to Defendants' Statement of Undisputed Material Facts to the extent that they are neither short nor concise and/or are not material for purposes of Defendants' Motion.

To facilitate disposition of Defendants' Motion, the matters admitted by Plaintiff are to be taken as true for summary judgment purposes only, and Plaintiff reserves the right to test all Defendants' evidence at the time of trial.

1-3. Admitted.

4. Admitted with the clarification that the Radio Operator Two was a Shift Leader with supervisory responsibilities over the Radio Operator One. Appendix, pp. 42 (Deposition of Ron Frank, pp. 18).

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted with the clarification that Radio Operators Twos have the customary authority to participate in the disciplinary process.

10. Admitted.

11. Admitted.

12. Denied. While the cited testimony is consisted with the recitation, years in service is given specific consideration during the application and hiring process. Appendix, pp. 4 and 5 (Plaintiff's miscellaneous summary judgment documents).

13-20. Admitted.

**The Commission's Policy and Procedure For Promoting Employees**

21. Admitted.

22. Admitted with the clarification that there is no relevance of that matter to this case.

23-29. Admitted.

**The April 19, 1999 Duty Officer Position**

30-33. Admitted.

34. Admitted with the clarification that the Bachelor's Degree requirement is immaterial in light of the determination that Plaintiff met the minimum education and training requirements for the job. Appendix, pp. 60 (Deposition of Joann Gitto-Davis, pp. 26-27).

35-37. Admitted.

38. Admitted with the clarification that Plaintiff was equally qualified or more qualified for the position than any of the applicants, the Panel only recommended two (2) individuals, although five (5) were interviewed and there were three positions open. Appendix, pp. 2-8. In other promotion situations, at least three (3) names are generally recommended for single positions when there are three (3) or more candidates for the position. Appendix pp. 112 (Deposition of William Capone, pp. 24); Appendix pp. 80-81 (Deposition of Gregory Richards, pp 10-14).

39. Admitted. By way of further answer, Joseph Sullivan was appointed to the Communications Center Manager position by Joseph McCool. Appendix pp. 40-41 (Frank dep., pp 12-14). Appointments to the Duty Officer position were made by the Deputy Executive Director occupying the position immediately superior to McCool, and McCool had significant influence over the hiring process for communications center personnel. Appendix pp. 82 (Richards dep., pp. 18-20). Both Sullivan and McCool spoke with Ron Frank about the fact that Harry Williams was not "doing any favors for

himself” by supporting Terri Edwards in her complaints of discrimination against the Turnpike commission, and Sullivan specifically warned Williams “to stay out of the middle of it.” Frank dep., pp. 29-31.

40-43. Admitted.

44. Admitted with the clarification that only two (2) names were recommended despite the existence of three (3) vacancies to fill, and despite the general practice of recommending three (3) candidates for a position if that many or more responded. See response to 38.

45. Admitted.

46. Denied. While Defendant’s recitation must be credited as a legitimate, non-discriminatory justification for Plaintiff’s non-selection, the evidence strongly supports the contrary, reasonable inference that Plaintiff did not receive the promotion because he engaged in protected activities and was specifically told that his future with the Turnpike Commission would be in jeopardy if he continued to assist his co-worker in her discrimination complaints. See answers to 38 and 39. Moreover, Capone was questioned extensively during his deposition concerning the factual basis for his opinion, and he had none. Appendix pp. 114-15 (Capone dep., pp. 30-35).

47. Admitted that Capone could only state Plaintiff did not possess the “necessary skills” despite the fact that Capone was repeatedly asked for one or more examples of the observations of Plaintiff’s performance that supported his opinion, but could give none. See preceding response.

48. Admitted in part. Although Capone testified that Jumper and Wickard were both better qualified than Williams, he failed to state any specific reason why or how they were better qualified for the position.

49. Admitted. With the clarification that Capone only so testified after having been led by his counsel to do so.

50. Admitted.

51. Admitted.

52. Admitted with the clarification that Mr. Frank swore to making that statement. By way of further answer, the statement was made to Frank by both Sullivan and McCool. As operations Center Manager, Sullivan is the Duty Officers' supervisor, and was in part responsible for the June 1999 selection. Frank dep. pp. 8-9. Moreover, as "supervisor of the area" where the Duty Officer position was located, McCool was directly involved in, and responsible for, the hiring decisions at issue. Appendix pp. 82-83 (Richards dep. pp. 19-22).

53. Admitted.

54. Denied. The relevant statement of purposes of this case was communicated to Plaintiff as the expressed sentiment of Joseph McCool, who was directly responsible for the selection decisions at issue in this case. See answer to 52; see Appendix pp. 1, 17-18, 23-30.

55. Denied. responsibility for selection decisions is made by the supervisor of the area, who in this case was Mr. McCool. Appendix 82-83 (Richards dep. 19-22), and Sullivan, who is McCool's subordinate, participated on the panel. Moreover, the fact that McCool was not part of the selection panel is immaterial, particularly when McCool's

direct subordinate, Joseph Sullivan, was involved in the process, and Sullivan also told Frank to warn Plaintiff that his future with the Commission was being jeopardized by assisting Edwards. See responses to 39 and 46.

56. Denied. Sullivan was extensively involved in such discussions. Frank dep. pp. 29-31.

### **The July 1999 Duty Officer Position**

57-58. Admitted.

59. Admitted, but immaterial because Defendant has never denied receiving the Plaintiff's application.

60. Admitted.

61. Admitted in part. While Plaintiff's name is not on the log, he submitted an application.

62. Denied as stated.

63. Denied. Plaintiff's name could be intentionally excluded.

64. Admitted.

65. Denied. Plaintiff testified that he sent one.

66. Admitted. By way of further answer, the records relative to this selection decision, i.e., the third position that was vacant but not filled in June, clearly show that Joseph McCool is responsible for selection decisions to the position of Duty Officer. Appendix pp. 87-88 (Richards dep. pp. 38-39).

67. Admitted.

**The November 2000 Duty Officer Position**

68-73. Admitted.

74. Denied. Richards was acting Director of Safety and Operations (McCool's former position), and was responsible for the selection decision at issue. By way of further answer, this fact demonstrates the nature of McCool's involvement in the selection process.

75. Denied as stated. While Richards purported to more rigidly apply the job performance criteria, the fact is that the qualifications and job description remained the same at all times. Plaintiff had been found qualified in previous selection decisions, there was nothing in his extensive experience with the Turnpike Commission to suggest any shortcomings in his performance, and Plaintiff had at all times met "the bar."

76. Denied. At the time of the test, all applicants had been determined to be qualified by H.R., and, at most, the typing criteria should have only been a factor relied upon in making the selection decision. Appendix pp. 60 (Davis dep. pp. 25-27).

77. Admitted.

78-80. Denied as stated. See response to 75 and 76. Defendants have offered no evidence that Bretzman is authorized to change the selection criteria for the Commission, or that he can override a decision by Human Resources finding an employee qualified for the position. Moreover, Defendants have offered no evidence to show any performance deficiencies concerning Plaintiff stemming from his typing speed, and the comparative typing tests reveal accuracy errors that have not been considered. See Defendant's Exhibit Z.

81. Admitted.

Form PTC (502005208)

PENNSYLVANIA TURNPIKE COMMISSION  
HARRISBURG

**To:** Jeffrey L. Hess thru Joanne Gitto Davis  
Director of Purchases Director of Human Resources

**From:** *Joseph P. McCool*  
Joseph P. McCool  
Director of Safety and Operations Center

**Date:** April 20, 1999

**Subject:** ATTACHED ADVERTISEMENT FOR  
TWO COMMUNICATIONS CENTER DUTY OFFICERS

Please run the attached advertisement for the subject positions for one Sunday on April 25, 1999 in the following newspapers:

Harrisburg Patriot News  
Philadelphia Inquirer  
Pittsburgh Post Gazette

These advertisements should be charged to Cost Center 131.

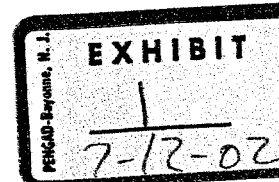
APPROVED:

*Joanne Gitto Davis*  
Joanne Gitto Davis

*4-21-99*  
Date

JPM:jb  
Attachment

Cc: Deborah L. Everly  
Joseph Sullivan  
File



PTC 0734

4/23/99

**VACANCY NOTICE**

**PLEASE READ THIS ENTIRE ANNOUNCEMENT CAREFULLY. SEVERAL REQUIREMENTS FOR CONSIDERATION FOR MANAGEMENT POSITIONS HAVE BEEN MODIFIED. THE INSTRUCTIONS CONTAINED IN THIS ANNOUNCEMENT MUST BE FOLLOWED IN ORDER TO BE CONSIDERED FOR THE VACANT POSITION.**

**\*Two management positions of Communications Center Duty Officer are available within the Operations Center Department located in the Central Office. Interested and qualified employees who wish to be considered for this position must submit an updated application or resume and a copy of their most recent performance evaluation (if applicable) to the Human Resources Department by 4:30 p.m. on May 7, 1999. APPLICATIONS RECEIVED SUBSEQUENT TO THIS DATE WILL NOT BE CONSIDERED.**

**The positions are responsible for management of operations at the Turnpike Operations/Communications Center, and report to the Operations Center Manager. Center handles calls from motorists, dispatches state police, ambulance, fire, towing services; renders other information services and participates in operation of Intelligent Transportation Systems and advice to media. Work is performed with considerable independence, requires clear speaking and writing skills, and the ability to type 35 wpm.**

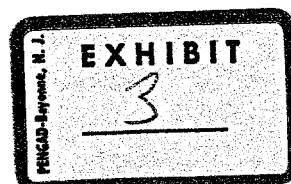
**The minimum experience and training requirements for this position include a bachelor's degree, completion of APCO 40 hour Telecommunicator Course, and five years of experience in Administration of Public Safety and Incident Management Systems; or any equivalent combination of experience and training.**

**This position is a management salary range 7. A copy of the job description for this position can be obtained from the Human Resources Department.**

**Interested candidates must present an updated application or resume that thoroughly identifies the type of education and work experience they have which they believe qualifies them for this position. ALL APPLICATIONS WILL BE SCREENED BY HUMAN RESOURCES TO DETERMINE THOSE CANDIDATES WHO MEET THE MINIMUM EXPERIENCE AND TRAINING REQUIREMENTS OF THE POSITION. ONLY THOSE WHO MEET THE QUALIFICATIONS WILL BE PRESENTED TO THE DEPARTMENT HEAD FOR FURTHER REVIEW AND CONSIDERATION.**

**If you need an accommodation to participate in the selection process, please contact the Commission's ADA Coordinator at extension 4281.**

**\*THIS VACANCY NOTICE IS BEING AMENDED TO INCLUDE AN ADDITIONAL COMMUNICATIONS CENTER DUTY OFFICER POSITION. A TOTAL OF THREE (3) POSITIONS ARE AVAILABLE.**



PTC 0537

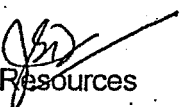
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Form PTC (502005208)

PENNSYLVANIA TURNPIKE COMMISSION  
HARRISBURG  
May 12, 1999

**SUBJECT:** Candidates for  
Communications Center Duty Officer

**TO:** John T. Martino  
Acting Deputy Executive Director –  
Customer Service

**FROM:** Joanne Gitto Davis   
Director of Human Resources

I have reviewed the resumes submitted to the Department of Human Resources for the three (3) Communications Center Duty Officer positions. They are attached for your review for the next step in the selection process. All of the candidates who appear to meet minimum educational experience and training requirements for the position are so designated on the attached Promotion Application Log.

At the conclusion of the selection process, Human Resources will inform the candidates who were not selected. Please inform me of the candidates who were given interviews.

If you have questions or need assistance, please contact me.

JGD:pah

Attachments

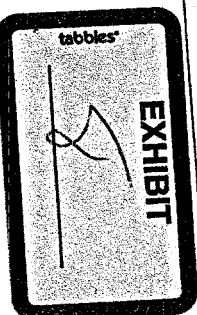
PTC 0736

3

## PROMOTION APPLICATION LOG

Position: Communications Center Duty Officer  
 Location: Central Office  
 Date Posted: April 23, 1999  
 Date Closed: May 07, 1999

Applicant Name	Address	Qualified?		Location	Date of Hire	Received
		Yes	No			
Gregory W. Brooks	P.O. Box 3256 Philadelphia, PA 19130		X	External	04/25/90	05/06/99
Joel Davis	P.O. Box 2002 Harrisburg, PA 17105		X	Radio Operator II Control Center		05/07/99
Steve Detwiler	431 Wolfel Avenue St. Marys, PA 15857		X	Executive Secretary I Field Technologies	04/08/1988	04/22/99
Debra Elzweiler	232 Creek View Drive Millersburg, PA 17061	X		External		04/27/99
James Fox	20 Ridgewood Drive Gettysburg, PA 17325	X		External		05/05/99
Martin Havrilla	836 Florida Avenue Pittsburgh, PA 15228		X	External		04/27/99
Eric Hanne	516 W. Siddonsburg Road Dillsburg, PA 17019	X		Radio Operator I Control Center	06/23/1992	04/29/99
Fred Jumper	132 South Ridge Road Boiling Springs, PA 17007		X	Radio Operator I Control Center	01/23/1995	05/02/99
Darwin Kell, Jr.	4 Village Road Camp Hill, PA 17011		X	External		04/27/99
Carl Krause, Jr.	3925 North 110 <sup>th</sup> Avenue Avondale, AZ 85323		X	External		05/03/99
Brian McCombie	15 Eastwick Lane Carlisle, PA 17013		X	Radio Operator II Control Center	08/03/1976	05/07/99
James Mulvihill, Jr.	2041 Swatara Street Harrisburg, PA 17104		X	External		05/03/99
Paul O'Toole	226 Spartan Drive Monroeville, PA 15146	X		External		05/07/99
Michael Potosky	4035 Thicket Lane Harrisburg, PA 17110		X	Equipment Operator I Mt. Gretna Maintenance	05/28/1993	05/07/99
Joseph Quairol	P.O. Box 178 Fredericksburg, PA 17026	X		External		05/07/99
Jason Skelly	944 East High Street Bellefonte, PA 16823					



PTC 0242

Robert Ware	3212 W. Fountain Street Philadelphia, PA 19121	X		External	02/07/1986	05/04/99
Dale Wickard II	8 Ralen Drive Boiling Spring, PA 17007	X		Radio Operator II Control Center		04/28/99
David William	31 Pleasanton Drive East Berlin, PA 17316		X	External	02/02/1981	04/26/99
Harry Williams, Jr.	319 Caravan Court Middletown, PA 17057	X		Radio Operator II Control Center		

PTC 0243

(Rev. 12/98)

DATE: June 4, 1999

**Recommended Personnel Actions****Vacant Position:**Job Title: Duty OfficerDepartment: CommunicationsLocation: Central Office**Applicants' Statistics:**

	Internal	External	Total
Total Number of Applicants	7	13	20
Applicants Not Qualified	4	8	12
Applicants Qualified	3	5	8
Applicants Interviewed	3	2	5
Applicants Recommended	2	0	2

Note: 2 External Applicants Declined Their Invitation For An Interview.

1 External Applicant was non-responsive to telephone messages to schedule interview.

**Names and titles of persons conducting interview:**

Name	Title
Joseph R. Sullivan	Communications Center Manager
Joseph L. Rispoli	Safety Department Manager
William J. Capone	Director of Marketing

**Explanation of the Interview and Selection Process:**

A list of standard questions was compiled and asked of each applicant. Each applicant was provided with the job description, management benefits package and salary range schedule. Interviews were scheduled and all interviews were conducted at the Central Office. William Capone was the lead interviewer. Applicants were given an opportunity to ask questions or add additional information.

PTC 0244

## Recommended Personnel Actions

### Vacant Position:

Job Title: Duty Officer  
Department: Communications  
Location: Central Office

### Recommended candidates in alphabetical order and the justification for recommendation:

Fred E. Jumper, Radio Operator I has excellent qualifications including seven years experience as a radio operator in the Operations Center. He is highly regarded by his co-workers and his superiors. He has excellent customer service, incident management, administrative experience, as well as good computer training and experience.

Dale G. Wickard, II, Radio Operator II has excellent qualifications including thirteen years experience as radio operator in the Operations Center. He is highly regarded by his peers and supervisors for his leadership shown as a Radio Operator II (shift leader) with excellent customer service, incident management, administrative experience, as well as good computer training and experience.

No other candidates recommended.

### Attachments

Please attach the following to this worksheet:

- A copy of the employment application(s)/resume(s) of the recommended candidates

## Recommended Personnel Actions

### Vacant Position:

Job Title: Duty Officer

Department: Communications

Location: Central Office

- ~~The most recent performance evaluation of the internal candidate(s) if available~~

Joseph R. Sullivan Operation Center  
Manager  
Signature - Title

06/04/99  
Date

[Signature] 6/4/99  
DED Signature

319 Caravan Court  
Middletown, Pa 17057-2814  
(717)-944-4770

COMPUTER EXPERIENCE  
Windows  
Excel  
SPREADSHEETS

April 23, 1999

Pennsylvania Turnpike Commission  
c/o Ms. Joanne Gitto-Davis, Director  
Human Resources  
PA Route 230 & Eisenhower Boulevard  
Highspire, Pennsylvania 17034

Dear Ms. Gitto-Davis:

I am applying for the position in my department as Communications Center Duty Officer, which was posted on April 23, 1999 in the Central Office. I feel my experience as a Radio Operator and Radioman in the United States Navy, would be in the best interest for the Pennsylvania Turnpike Commission.

As you can see from my resume, I have been in the field of communications for over 26 years with supervisory skills. Before coming to the Pennsylvania Turnpike Commission, I completed the following while serving in the United States Navy:

- Operated and maintained teletypewriter equipment
- Operated radio transmitters and receivers
- Maintained message center files and operating logs; update communications publications
- Transmit, receive, route, and log radio messages
- Made sure applicable security measures were observed
- Advised on capabilities, limitations, and condition of radio equipment
- Operated and coordinate communications systems including automated networks, satellite data links, and the full spectrum of voice and teletype circuits
- Operated cryptographic equipment

As a Radio Operator, I have received the following training and implemented it to the present Pennsylvania Turnpike Commission (standards):

- EMD
- APCO
- CPR

PTC 0227

Ms. Joanne Gitto-Davis

2

April 23, 1999

- NCIC/CLEAN System
- Incident Command
- VMS Board

With all of my extensive training, there will be minimal learning time and immediate results. I would like very much to meet with you and am available to explain in depth both my qualifications and aspirations. I am confident that my background will be beneficial for our department and that I will continue to be a valuable asset to the Pennsylvania Turnpike Commission.

Please call at your convenience to set up a meeting. Your consideration is greatly appreciated.

Sincerely,

*Harry E. Williams, Jr.*  
Harry E. Williams, Jr.

Enclosures

HEW/tle

cc: J. Sullivan  
R. Frank  
File

PTC 0228

319 Caravan Court  
Middletown, Pa 17057-2814  
Phone 717-944-4770

# Harry E. Williams, Jr.

## Objective

Communications Center Duty Officer

## Work experience

1996 - Present

PA Turnpike Commission

Harrisburg, Pa

### Radio Operator II

- Act as shift supervisor and will assume the immediate responsibility for The operation of the communications center during my shift. Work is performed under the supervision of the Operations Control Center Supervisor and follow standard operating procedures as set forth in the Rules and regulations of the Federal Trade Communications Commission and the Pennsylvania Turnpike Commission.

1981 - 1996

PA Turnpike Commission

Harrisburg, Pa

### Radio Operator I

- Responsible for operation of the communications system and must possess a thorough knowledge of all Turnpike operations, encompassing police, maintenance, fare collection, and fire/ambulance services. Work is performed under the supervision of a technical superior and follows standard operating procedures as set forth in rules and regulations of the Federal Communications Commission and the Pennsylvania Turnpike Commission.

**Military experience** 1972 - 1980

United States Navy

### Radioman (Communications Center Operator or Telecommunications Specialist)

- Utilized the operation of a CRT, keypunching, dispatching, sending and receiving messages over the teletype, and keyboarding. Mission as a sailor was to protect and serve the United States Government and to safeguard "confidential" information that could be vital to the national security of the United States of America. Attended Radioman "A" Class School in Bainbridge, Maryland. Also attended Radioman "C" Class School in San Diego, California. Handled messages from secret, top secret, confidential—to priorities. I also handled "Kryptomaterial".

## Security clearance

Received Top Security Clearance while serving in the United States Navy

## Awards received

Received Good Conduct Medal, Letter of Appreciation, and Letter of

PTC 0229

Accommodation

**Professional  
memberships**

American Legion

**Volunteer  
experience**

Special Olympics

**References**

Available upon request

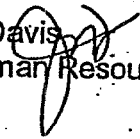
PTC 0230

Form PTC (502005208)

PENNSYLVANIA TURNPIKE COMMISSION  
HARRISBURG  
July 21, 1999

**SUBJECT:** Commission Action

**TO:** Joseph M. McCool  
Director of Safety and Operations Center

**FROM:** Joanne Gitto Davis   
Director of Human Resources

On July 20, 1999, the Commissioners approved the following personnel actions:

- Your request to repost internally and advertise externally for a Communications Center Duty Officer position as per your memorandum dated June 22, 1999.
- Your request to post and fill two Radio Operator 1 positions and a Radio Operator 2 position as per your memorandum dated June 23, 1999.

Please contact Human Resources when you wish to post these vacancies.

JGD:pah

c: J. T. Durbin  
D. L. Everly  
J. T. Martino

PTC 0175

July 28, 1999

## VACANCY NOTICE

**PLEASE READ THIS ENTIRE ANNOUNCEMENT CAREFULLY. SEVERAL REQUIREMENTS FOR CONSIDERATION FOR MANAGEMENT POSITIONS HAVE BEEN MODIFIED. THE INSTRUCTIONS CONTAINED IN THIS ANNOUNCEMENT MUST BE FOLLOWED IN ORDER TO BE CONSIDERED FOR THE VACANT POSITION.**

A management position for a Communications Center Duty Officer is available within the Operations Center Department located in the Central Office. Interested and qualified employees who wish to be considered for this position must submit an updated application or resume and a copy of their most recent performance evaluation (if applicable) to the Human Resources Department by 4:30 p.m. on August 10, 1999. APPLICATIONS RECEIVED SUBSEQUENT TO THIS DATE WILL NOT BE CONSIDERED.

The position is responsible for management of operations at the Turnpike Operations/Communications Center, and reports to the Operations Center Manager. The Center handles calls from motorists, dispatches state police, ambulance, fire, towing services; renders other information services and participates in operation of Intelligent Transportation Systems and advice to media. Work is performed with considerable independence, requires clear speaking and writing skills, and the ability to type 35 wpm.

The minimum experience and training requirements for this position include a bachelor's degree, completion of APCO 40 hour Telecommunicator Course, and five years of experience in Administration of Public Safety and Incident Management Systems; or any equivalent combination of experience and training.

This position is a management salary range 7. A copy of the job description for this position can be obtained from the Human Resources Department.

Interested candidates must present an updated application or resume that thoroughly identifies the type of education and work experience they have which they believe qualifies them for this position. **ALL APPLICATIONS WILL BE SCREENED BY HUMAN RESOURCES TO DETERMINE THOSE CANDIDATES WHO MEET THE MINIMUM EXPERIENCE AND TRAINING REQUIREMENTS OF THE POSITION. ONLY THOSE WHO MEET THE QUALIFICATION WILL BE PRESENTED TO THE DEPARTMENT HEAD FOR FURTHER REVIEW AND CONSIDERATION.**

If you need an accommodation to participate in the selection process, please contact the Commission's ADA Coordinator at extension 4281.

PTC 0759

August 9, 1999

## VACANCY NOTICE

The Pennsylvania Turnpike Commission is seeking highly qualified applicants for the following position in the Harrisburg Office:

### Communications Center Duty Officer

The successful candidate will be responsible for management of operations at the Commission's Operations/Communications Center and reports to the Operations Center Manager. The Center handles calls from motorists, dispatches State Police, ambulance, fire, towing services; renders other information services; and participates in operation of Intelligent Transportation Systems and advice to media. Work is performed with considerable independence, requires clear speaking and writing skills, and the ability to type 35 wpm.

Applicants for this position should have a bachelor's degree, completion of APCO 40-hour Telecommunicator Course, and five years of experience in Administration of Public Safety and Incident Management Systems; or any equivalent combination of experience and training.

If you need an accommodation to participate in the pre-employment process, please contact the ADA Coordinator, (717) 939-9551, Ext. 4281. The Pennsylvania Turnpike Commission is an Equal Opportunity Employer and offers competitive salaries, attractive fringe benefits and retirement program. There is a Pennsylvania residency requirement that must be met.

Please mail or fax your resume and salary requirements by **August 13, 1999** to:

Ms. Joanne Gitto Davis  
Human Resources Department  
Pennsylvania Turnpike Commission  
P. O. Box 67676  
Harrisburg, PA 17106-7676  
FAX: (717) 986-8760

PTC 0763

## PROMOTION APPLICATION LOG

Position: Communications Center Duty Officer  
 Location: Central Office  
 Date Posted: July 27, 1999  
 Date Closed: August 10, 1999

Applicant Name	Address	Qualified?		Location	Date of Hire	Received
		Yes	No			
Daniel Bretzman	304 Old Stonehouse Road, South Mechanicsburg, PA 17055	X		External	N/A	08/10/99
Cindy Dietz	213 Gross Avenue Dover, PA 17315	X		External	N/A	08/13/99
Thomas Dolan, Jr.	1950 Reservoir Drive Carlisle, PA 17013	X		External	N/A	08/11/99
Debra Etzweiler	232 Creek View Drive Millersburg, PA 17061		X	Executive Secretary I Field Technologies	04/08/1988	08/05/99
Diane Jordan	RR #1 Box 367 Middleburg, PA 17842	X		External	N/A	08/11/99

PTC 0758

(Rev. 12/98)

DATE: September 20, 1999

**Recommended Personnel Actions**Job Title: Operations Center  
Duty Officer**Vacant Position:**Department: Operations  
Location: Central Office**Applicants' Statistics:**

	Internal	External	Total
Total Number of Applicants	1	4	5
Applicants Not Qualified	1	0	1
Applicants Qualified	0	4	4
Applicants Interviewed	0	3*	3
Applicants Recommended	0	3	3

\*One applicant did not respond to attempts to schedule an interview.

**Names and titles of persons conducting interview:**

Name	Title
Joseph P. McCool.	Director of Safety & Operations
William J. Capone	Director of Marketing
Dennis Genevie	Risk Manager

**Explanation of the Interview and Selection Process:**

A list of standard questions was completed and asked of each applicant. Each applicant was provided With the job description, management benefits package and salary range schedule. Interviews were Scheduled and all interviews were conducted at the Central Office. Applicants were given an opportunity To ask questions or add additional information. The interview team reached consensus on the Candidates that are recommended.

PTC 0742

(Rev. 12/98)

DATE: September 20, 1999

**Recommended Personnel Actions****Vacant Position:**

Job Title: Operations Center

Duty Officer

Department: Operations

Location: Central Office

**Recommended candidates in alphabetical order and the justification for recommendation:**

③ Daniel Bretzman – Mr. Bretzman is qualified for the position of Duty Officer. He has ten years experience as a dispatcher II in Cumberland County and is therefore familiar with many of the responsibilities of a Duty Officer.

② Cindy Dietz – Ms. Dietz is qualified for the position of Duty Officer. Ms. Dietz has been a Dispatcher for seven years and a supervisor for seven years in York County. The combination of her dispatching and supervisory

① experience provides a background that is similar to the Duty Officer position.

① Diane Jordan – Ms. Jordan will enjoy a seamless transition into the Duty Officer position. With a total of twenty years experience culminating as the Coordinator of Emergency Services in Snyder County she provides a wealth of experience virtually identical to our Duty Officer's responsibilities.

**Attachments**

Please attach the following to this worksheet:

- A copy of the employment application(s)/resume(s) of the recommended candidates
- The most recent performance evaluation of the internal candidate(s) if available

*Joseph M. McCarty, D.R. Safety* 9/21/99  
 Signature – Title OPERAS CTR Date  
*Gregory R. Richards*  
 DED Signature

PTC 0743

2ND JOB RESUME

2ND BID SHEET + 2ND TIME I BID ON

THIS DUTY OFFICERS JOB TURNPIKE

HIRED A WOMAN OVER ME FROM THE  
OUTSIDE WITHOUT ANY TURNPIKE EXPERIENCE.PTC Form 72-87  
Rev. 1-87JOB BID FORMCENTRAL OFFICELocation of Posted Position  
(Dist./Div./C.O.)COMMUNICATIONSWork Loc. of Posted PositionDUTY OFFICERPosition Posted

JULY 27, 1999

Date Posted

JULY 28, 1999 0830 A.M.

Date and Time Bid Submitted

HARRY EDWARD WILLIAMS JR 194-44-7962

Print Name and Social Security NumberRADIO OPERATOR 2 COMMUNICATIONS CENTRAL OFFICE  
Present Job Title and Location

Harry E. Williams Jr.

Bidder's Signature

PLEASE SUBMIT ALL BIDS TO DIST./DIV. or in C.O., TO HUMAN RESOURCES DEPT.

319 CARAVAN COURT  
MIDDLETOWN, PA 17057-2814  
(717)-944-4770

JULY 28, 1999

PENNSYLVANIA TURNPIKE COMMISSION  
C/O MS. JOANNE GITTO-DAVIS DIRECTOR  
HUMAN RESOURCES  
PA ROUTE 230 AND EISENHOWER BLVD.  
HARRISBURG, PA. 17106

DEAR MS. GITTO-DAVIS,

I'AM APPLYING FOR THE POSITION IN MY DEPARTMENT AS COMMUNICATIONS CENTER DUTY OFFICER, WHICH WAS POSTED ON JULY 27, 1999 IN THE CENTRAL OFFICE. I FEEL MY EXPERIENCE AS A RADIO OPERATOR TWO AND 2<sup>ND</sup> CLASS RADIOMAN IN THE UNITED STATES NAVY, WOULD BE IN THE BEST INTEREST FOR THE PENNSYLVANIA TURNPIKE COMMISSION.

AS YOU CAN SEE FROM MY RESUME, I HAVE BEEN IN THE FIELD OF RADIO COMMUNICATIONS FOR OVER 26 YEARS WITH SUPERVISORY SKILLS. BEFORE COMING TO THE PENNSYLVANIA TURNPIKE COMMISSION, I COMPLETED THE FOLLOWING WHILE SERVING IN THE UNITED STATES NAVY:

OPERATED AND MAINTAINED TELETYPEWRITER EQUIPMENT  
SET UP AND OPERATED VARIOUS RADIO TRANSMITTERS AND RECEIVERS

MAINTAINED MESSAGE CENTER FILES AND OPERATING LOGS;  
AND UPDATED VARIOUS RADIO COMMUNICATIONS PUBLICATIONS

TRANSMITTED, AND RECEIVED, ROUTED, AND LOGGED  
NUMEROUS RADIO COMMUNICATIONS MESSAGES  
MADE SURE APPLICABLE SECURITY MEASURES WERE OBSERVED

ADVISED ON CAPABILITIES, LIMITATIONS, AND THE CONDITION  
OF VARIOUS RADIO EQUIPMENT

OPERATED AND COORDINATED VARIOUS RADIO COMMUNICATIONS SYSTEMS: INCLUDING AUTOMATED NETWORKS, SATELLITE COMMUNICATION DATA-LINKS, AND THE FULL SPECTRUM OF VOICE AND TELETYPE CIRCUITS OPERATED CRYPTOGRAPHIC EQUIPMENT

AS A RADIO OPERATOR ONE AND TWO, I HAVE RECEIVED THE FOLLOWING TRAINING AND IMPLEMENTED IT TO THE PRESENT PENNSYLVANIA TURNPIKE COMMISSION (STANDARDS):

EMD  
APCO  
CPR  
NCIC/CLEAN SYSTEM  
INCIDENT COMMAND  
HAR/VMS MESSAGE BOARD SIGNS  
AM BROADCASTS  
VARIOUS TRAINING ON DIFFERENT COMPUTERS

WITH ALL OF MY EXTENSIVE TRAINING, THERE WILL BE MINIMAL LEARNING TIME AND IMMEDIATE RESULTS. I WOULD LIKE VERY MUCH TO MEET WITH YOU AND I'AM AVAILABLE TO EXPLAIN IN DEPTH BOTH MY QUALIFICATIONS AND ASPIRATIONS. I'AM CONFIDENT THAT MY EXTENSIVE BACKGROUND WILL BE BENEFICIAL FOR OUR DEPARTMENT AND THAT I WILL CONTINUE TO BE A VALUABLE ASSET TO THE PENNSYLVANIA TURNPIKE COMMISSION.

PLEASE CALL ME AT YOUR CONVENIENCE TO SET UP A MEETING. YOUR CONSIDERATION IS GREATLY APPRECIATED.

SINCERELY,

HARRY E. WILLIAMS JR.

ENCLOSURES

HEW/TLE

CC: JOSEPH SULLIVAN  
RONALD FRANK  
FILE

Form PTC (502005208)

**Pennsylvania Turnpike Commission**  
**HARRISBURG**  
November 3, 1999

**SUBJECT:** Commission Action

**TO:** Joseph P. McCool  
Director of Safety and Operations

**FROM:** Joanne Gitto Davis  
Director of Human Resources

On November 2, 1999, the Commissioners approved the following:

- Your request to post internally and, if necessary, advertise externally for a Communications Center Duty Officer position as per your memorandum dated October 15, 1999.
- Your request to post internally and advertise externally for the Operations Center Manager position as per your memorandum dated October 15, 1999.

Please contact Human Resources when you wish to post these positions.

JGD:pah

c: J. T. Durbin  
D. L. Everly  
G. R. Richards

PTC 0418

23

Cindy Ann Dietz  
213 Gross Avenue  
Dover, PA 17315  
717-292-2932

Thursday, November 25, 1999

Joanne Gitto Davis  
Director of Human Resources

Dear Ms. Davis:

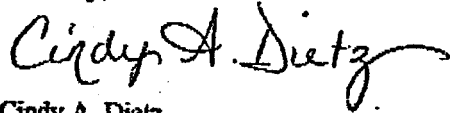
I am writing to you regarding a phone call I received from "Joe" at the Turnpike Commission a few weeks ago. He called to inquire whether I was still interested in the Communications Duty Officer position I had applied for back in August. At that time I advised him I was still very interested and he suggested I send a letter and update my application with any additional training I may have had in the meantime.

Please add the following training to my resume:

10/27/99	How to Handle People with Tact and Skill / CareerTrack Training
11/17/99	Supervising a Diverse Workforce / County of York
11/18/99 / 11/19/99	Introduction to Microsoft Word 97 & Microsoft Outlook

Thank you for your consideration. I believe I could be a valuable addition to your staff given the chance.

Sincerely,



Cindy A. Dietz

CD

PTC 0417

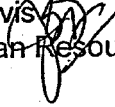
24

Form PTC (502005208)

PENNSYLVANIA TURNPIKE COMMISSION  
HARRISBURG  
January 6, 2000

**SUBJECT:** Candidates for Position of  
Communications Center Duty Officer

**TO:** Gregory R. Richards  
Deputy Executive Director –  
Finance and Administration

**FROM:** Joanne Gitto Davis   
Director of Human Resources

I have reviewed the resumes submitted to the Department of Human Resources for the Communications Center Duty Officer position, which was posted December 1-15, 1999. They are attached for your review for the next step in the selection process. The candidates who appear to meet minimum educational experience and training requirements for the position are so designated on the attached Promotion Application Log.

At the conclusion of the selection process, Human Resources will inform the candidates who were not selected. Please inform me of the candidates who were given interviews.

If you have questions or need assistance, please contact me.

JGD:pah

Attachments

PTC 0443

2

# Promotion Application Log

Position:	Communications Center Duty Officer
Location:	Central Office
Date Posted:	12-1-99
Date Closed:	12-15-99

[illegible]

# Flomotion Application Log

Position:	Communications Center Duty Officer
Location:	Central Office
Date Posted:	12-1-99
Date Closed:	12-15-99

[illegible]



(Rev. 12/98)

DATE: January 24, 2000

**Recommended Personnel Actions****Vacant Position:**Job Title: Duty OfficerDepartment: CommunicationsLocation: Central Office**Applicants' Statistics:**

	Internal	External	Total
Total Number of Applicants	4	2	6
Applicants Not Qualified	2	0	2
Applicants Qualified	2	2	4
Applicants Interviewed	2	2*	4
Applicants Recommended	2	2	4

\*Two external candidates from the prior Duty Officer posting were included in this process with the concurrence of Human Resources.

**Names and titles of persons conducting interview:**

Name	Title
Joseph P. McCool	Director of Safety & Operations
William J. Capone	Director of Marketing
Dennis Genevie	Risk Manager

**Explanation of the Interview and Selection Process:**

A list of standard questions was completed and asked of each applicant. Each applicant was provided with the job description, management benefits package and salary range schedule. Interviews were scheduled and all interviews were conducted at the Central Office. Applicants were given an opportunity to ask questions or add additional information. The interview team reached consensus on the candidates that are recommended.

PTC 0428

29

(Rev. 12/98)

DATE: January 24, 2000**Recommended Personnel Actions****Vacant Position:**Job Title: Duty OfficerDepartment: CommunicationsLocation: Central Office**Recommended candidates in alphabetical order and the justification for recommendation:**Daniel Bretzman – Mr. Bretzman is qualified for the position of Duty Officer. He has ten years experience as aDispatcher II in Cumberland County and is therefore familiar with many of the responsibilities of a Duty Officer.Joel Davis – Mr. Davis is qualified for the position of Duty Officer. Mr. Davis has ten years experience with thePennsylvania Turnpike Commission, including four years as a Radio Operator and one year as a Radio Operator 2 (Shift Leader).Cindy Deitz – Ms. Dietz is qualified for the position of Duty Officer. Ms. Deitz has 14 years experience in YorkCounty including over seven years supervisory experience. The supervisory experience provides excellentBackground for a Duty Officer position. The supervisory experience and her emergency management experienceMake her an excellent candidate for the Duty Officer position.Martin Havrilla is qualified for the position of Duty Officer. Mr. Havrilla has a military background but onlyLimited turnpike telecommunications experience.**Attachments**

Please attach the following to this worksheet:

- A copy of the employment application(s)/resume(s) of the **recommended** candidates
- The most recent performance evaluation of the **internal** candidate(s) if available

Signature – Title

Joseph McLoon  
*Director - Safety*

Date

1/26/00

DED Signature

Gregory R. [Signature]  
*Ops Ctr*

PTC 0429

# Information Record

Name Joanne S-D. Subject Duty Officer  
 Organization \_\_\_\_\_ Telephone - Business \_\_\_\_\_  
 Address \_\_\_\_\_ Home \_\_\_\_\_  
 \_\_\_\_\_ Fax \_\_\_\_\_  
 \_\_\_\_\_ Other 1/7/00

Date	Follow-up	Notes
		Joanne - AOK to go ahead with the 2.
		1/7/00 New Joe McCool - from the last go round on DO's -
		<u>Cindy Darty</u>
		<u>Donal Bretzman</u> <del>Steve Bretzman</del>
		are applicable to this posting.
		To conserve time, let's have the same team interview the 2 new candidates, then choose from the 4.
		<u>Greg Richards</u> 1/7/00
		* Check file regarding the above issue
		<u>JK</u>

Form PTC (502005208)

PENNSYLVANIA TURNPIKE COMMISSION  
HARRISBURG  
January 2, 2001

**SUBJECT:** Communications Center Duty Officer

**TO:** Gregory R. Richards  
Deputy Executive Director –  
Customer Service

**FROM:** Joanne Gitto Davis  
Director of Human Resources

I have reviewed the resumes submitted to the Department of Human Resources for the Communications Center Duty Officer position which was posted internally November 28 – December 11, 2000 and advertised externally December 3-15, 2000. They are attached for your review for the next step in the selection process. The candidates who appear to meet minimum education, experience, and training requirements for the position are so designated on the attached Promotion Application Log.

At the conclusion of the selection process, Human Resources will inform the candidates who were not selected. Please inform me of the candidates who were given interviews.

If you have questions or need assistance, please contact me.

JGD:pah

Attachments

PTC 0499

## Promotion Application Log

**Position:**

Communications Center Duty Officer

**Location:**

Central Office

Date Posted:

November 28, 2000

Date Closed:

December 11, 2000

Advertised externally:

December 3-15, 2000

[illegible]

**PTC 0498**

(Rev. 12/98)

TE: January 17, 2001

**Recommended Personnel Actions****Vacant Position: Duty Officer**Job Title: Duty OfficerDepartment: Operations CenterLocation: Cost Center 131**Applicants' Statistics:**

	Internal	External	Total
Total Number of Applicants	2	3	5
Applicants Not Qualified	1	2	3
Applicants Qualified	1	1	2
Applicants Interviewed	1	1	2
Applicants Recommended	1		

**Names and titles of persons conducting interview:**

Name	Title
Joe Rispoli	Safety Manager
Dan Bretzman	Operations Center Manager

**Explanation of the Interview and Selection Process:**

The interview process contained past work practices and history performance. Questions were determined to evaluate the applicants ability to manage the traffic flow of the Pa. Turnpike as well as employee supervision. The knowledge of the Turnpike assisted in the selection of the applicant. The applicants ability to supervise and train employee's and determination of performing above standards were valuable assets to the Commission.

PTC 0507

(Rev. 12/98)

ATE: January 17, 2001

**Recommended Personnel Actions****Vacant Position: Duty Officer**Job Title: Duty OfficerDepartment: Operations CenterLocation: Cost Center 131**Recommended candidates in alphabetical order and the justification for recommendation:**

~~Todd Leiss: This applicant was selected from the internal list. The applicant is presently an instructor for Harrisburg Area Community College in the field of Telecommunicator training. The applicant is certified by the Associated Public Safety Communications Official, Inc. (APCO) as a master Instructor. The applicant has numerous certificates and training in the communications field and will be an asset to our training program. Mr. Leiss is presently a Radio Operator with the Commission and has a thorough knowledge of the geographical locations of all facilities. The selection is also based on the ability to communicate well with others and the fact that past work history shows this individual has supervisory skills.~~

**Attachments**

Please attach the following to this worksheet:

PTC 0508

35

(Rev. 12/98)

DATE: January 17, 2001

## Recommended Personnel Actions

### Vacant Position: Duty Officer

Job Title: Duty Officer

Department: Operations Center

Location: Cost Center 131

- A copy of the employment application(s)/resume(s) of the **recommended** candidates
- The most recent performance evaluation of the **internal** candidate(s) if available

DED of Customer Service

Signature - Title

Gregory Richards

DED Signature

Date

1/17/01

PTC 0509

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRY E. WILLIAMS JR., )

Plaintiff )

vs. )

PENNSYLVANIA TURNPIKE  
COMMISSION, )

Defendant )

Civil Action No.

No. 1:CV-01-0877

**ORIGINAL**

DATE:

JULY 18, 2002

PROCEEDING:

VIDEO DEPOSITION

APPEARANCE:

For the Plaintiff

ANDREW OSTROWSKI, ESQUIRE  
4311 N. 6<sup>TH</sup> STREET  
HARRISBURG, PA 17110

For the Defendant

MARVIN L. WEINBERG, ESQUIRE  
FOX, ROTHSCHILD, O'BRIEN &  
FRANKEL  
2000 MARKET STREET, TENTH FLOOR  
PHILADELPHIA, PA 19103-3291

**Exhibit A**

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SHEET 1 PAGE 1

1 Video Reporter: And video is now  
2 on. Good morning ladies and gentleman let  
3 me advise you that audio and video are now  
4 in operation. My name is Albert Rodriguez  
5 and I have been hired by P.R. Video to take  
6 this deposition for the plaintiff, Ronald  
7 Frank.

8 Frank: Ronald Frank.

9 Video Reporter: Would you spell  
10 that for me?

11 Frank: R.o.n.a.l.d. Last name is  
12 F.r.a.n.k.

13 Video Reporter: My name is Albert  
14 Rodriguez; my address is 2146 Spruce Park,  
15 Lebanon, Pennsylvania 17046. This case is  
16 in the United States District Court for the  
17 Middle District of Pennsylvania. It is  
18 docketed at number 1-CV-010877. The caption  
19 is Harry E. Williams, Jr. versus The  
20 Pennsylvania Turnpike Commission. The  
21 deponent is Ronald Frank. Ronald Frank has  
22 already been sworn in. Would counsel please  
23 identify themselves and provide their  
24 address and phone number for the record.

25 Attorney Ostrowski: Andrew Ostrowski,

PAGE 2

1 4311 North Sixth Street, Harrisburg. I am  
2 counsel for plaintiff, Harry Williams and  
3 Harry Williams, Sr.

4 Attorney Weinberg: Marvin Weinberg,  
5 counsel for the Pennsylvania Turnpike  
6 Commission, 2000 Market Street, 10th Floor,  
7 Philadelphia 19103.

8 Video Reporter: Alright you may  
9 begin.

10 Attorney Weinberg: The usual  
11 stipulations?

12 Attorney Ostrowski: The usual  
13 stipulations.

14 Q: My name is Andy Ostrowski, we have  
15 met before and we are here today to give a  
16 deposition now in the Harry Williams versus  
17 Pennsylvania Turnpike Commission matter.  
18 You understand that, correct?

19 A: That is correct.

20 Q: And you received a subpoena to be  
21 here today and are appearing in response to  
22 that subpoena. Is that correct?

23 A: That's correct.

24 Q: When did you retire from the  
25 Turnpike Commission?

PAGE 3

1 A: July 1st 1999.

2 Q: And at the time you retired, you  
3 retired from the position of duty officer?

4 A: That is also correct.

5 Q: How long sir had you been a duty  
6 officer?

7 A: Just several months.

8 Q: Can you give any more specific  
9 time period?

10 A: Probably three or four months.

11 Q: So, roughly March/April of 1999  
12 you became a duty officer?

13 A: That is correct.

14 Q: At that time and prior to that  
15 period of time you were Operation Center  
16 Manager, correct?

17 A: That's correct.

18 Q: How long was it that you were  
19 Operation Center Manager?

20 A: Approximately ten years.

21 Q: And during your term as Operation  
22 Center Manager, the position of Duty Officer  
23 was created, correct?

24 A: That's correct.

25 Q: Do you recall the year that was?

PAGE 4

1 A: Probably 1998, I'm not sure  
2 though.

3 Q: And there were I believe, four  
4 Duty Officer positions created? Why don't  
5 you tell me rather than have me testify?

6 A: There was Duty Officer positions  
7 that were made; that were not filled until  
8 1999, but I am not sure exactly how many of  
9 them there. I don't recall the number.

10 Q: Okay. How many were filled when  
11 the position was first created?

12 A: Three.

13 Q: And were there additional  
14 vacancies at that point?

15 A: I don't recall.

16 Q: But you said that there were more  
17 positions created that weren't filled then?

18 A: No, I didn't say that. I said I  
19 don't recall.

20 Q: I know, but before, your first  
21 response was that there may have been more,  
22 but?

23 A: There may have been, but I don't  
24 recall.

25 Q: Okay, were you involved in the

SHEET 2 PAGE 5

1 process of creating that position?

2 A: No, I was not.

3 Q: How was that undertaken?

4 A: That was undertaken through the  
5 director at the time was the one that  
6 proposed it to the Commission, which was  
7 Joseph McCool.

8 Q: And he was the Director of Safety  
9 and Operations?

10 A: That is correct.

11 Q: And how was process conducted of  
12 filling those initial three positions?

13 A: It was posted on the board for  
14 people to apply and then there was an  
15 interview process and then they were hired.

16 Q: Did you participate in the  
17 interview process?

18 A: No I did not.

19 Q: Do you know who did participate in  
20 the interview process?

21 A: Ah, Bill Capone, for one and I  
22 think that was at the time, I know Bill  
23 Capone participated, but me and Mr. McCool  
24 did not participate because they were going  
25 to work for us.

PAGE 6

1 Q: Okay. And why because they were  
2 going to work for you why did that have any  
3 bearing on the matter?

4 A: Well, I guess because most of the  
5 people that applied were internal so, they  
6 tried to keep the politics and the  
7 friendship out of it.

8 Q: And when the three initial Duty  
9 Officers were selected; were they all  
10 internal candidates?

11 A: Yes they were.

12 Q: And do you know how many in  
13 addition to those three had applied for  
14 those positions?

15 A: Well, I know Mr. Williams did, but  
16 I don't know how many other people might  
17 have.

18 Q: And who were those three  
19 individuals who filled those positions?

20 A: Gregory Rausch, Angela Rudy were  
21 the first ones that could have been Dale  
22 Wickard, but I am not positive in that. Oh,  
23 that's right, Dave Dabrowsky, yes and Joe  
24 Sullivan.

25 Q: So there were four positions at

PAGE 7

1 that point?

2 A: Yes.

3 Q: And that was in 1998. To the best  
4 of your recollection was that correct?

5 A: I believe that actually started  
6 that was when the process started, but I  
7 don't think they started really until 1999.

8 Q: Mr. Sullivan was promoted to the  
9 position of Operations Center Manager and  
10 you were demoted to the Duty Officer. Is  
11 that correct?

12 A: That's correct.

13 Q: Other than that one change in the  
14 Duty Officer position before your  
15 retirement, did any other persons leave that  
16 position?

17 A: Not before my retirement, no.

18 Q: And was there discussions before  
19 your retirement of plans to fill additional  
20 vacancies?

21 A: I don't know. Remember I was  
22 demoted so, I was not in their loop.

23 Q: Did you ever hear anything about  
24 any plans to fill additional vacancies?

25 A: I didn't hear anything, no.

PAGE 8

1 Q: So, on your retirement date,  
2 before you were actually retired, there were  
3 four Duty Officers and other than you and  
4 Joe Sullivan kind of switching places,  
5 everything else was the same. Is that  
6 correct?

7 A: That is correct.

8 Q: Tell me when did you first find  
9 out that you were being demoted?

10 A: When I was taken up into Mr.  
11 Kennedy's office with Mr. McCool and told  
12 that I was being demoted.

13 Q: And how long before your demotion  
14 did that meeting take place?

15 A: About a day.

16 Q: And what did they say to you as to  
17 the basis for the demotion?

18 A: They told me that I was too easy  
19 on the people who worked for me; that I was  
20 not a disciplinarian enough and they were  
21 switching me and Mr. Sullivan at the time.

22 Q: Did you have? Were there any  
23 discussions with you prior to that, about  
24 your performance? Was there any  
25 dissatisfaction with your performance?

SHEET 3 PAGE 9

1 A: No.

2 Q: Did they give you any specific

3 examples of issues that caused them concern

4 as it relates to your performance?

5 A: Just that I was too easy on the

6 employees and I was not managing and - - to

7 the level that the Executive Director, Mr.

8 Kennedy, who was I guess, Associate

9 Executive Director - - .

10 Q: And again, this was you said about

11 three or four months before your retirement?

12 A: That's right. That's why I

13 retired.

14 Q: So prior to that time you had not

15 planned to retire in 1999?

16 A: No, not all.

17 Q: Were you fully vested in your

18 pension?

19 A: Well, they had a buyout, which

20 said that I could retire with full

21 retirement and my health insurance. I could

22 see the handwriting on the wall. The next

23 move was out the door, so I took it.

24 Q: So, what do you mean, a "buyout"?

25 They offered that to you, specifically?

PAGE 10

1 A: Not to me specifically. The State

2 had a buyout so that's.

3 Q: An early out.?

4 A: Buyout, right.

5 Q: And Mr. Kennedy and Mr. McCool

6 first met with you about your demotion did

7 they initially propose a termination or was

8 it always, you know, we are just going to

9 demote you and put you.?

10 A: I asked them specifically if I was

11 being terminated and they specifically told

12 me no. It was my choice to retire. They

13 didn't tell me there was a buyout and you

14 need to go, no.

15 Q: If there wasn't the early out

16 bill, when would you have been eligible for

17 your full retirement benefit?

18 A: 2004.

19 Q: And you had otherwise intended to

20 stay until 2004?

21 A: Yes.

22 Q: Did Harry Williams submit an

23 application packet to you for a Duty Officer

24 position in 1998? Is that correct?

25 A: Yes.

PAGE 11

1 Q: And were the Duty Officer

2 positions being created around that time?

3 A: Yes.

4 Q: And do you know why it was

5 submitted to you?

6 A: It was submitted to me because

7 that's where all the internal people

8 submitted to me and I passed them on.

9 Q: Do you know how many applications

10 you received?

11 A: I don't remember. I was not the

12 only other person in the plot. I can

13 remember that one of the radio operators,

14 Marsha Evans, applied. There were several

15 other people that applied.

16 Q: When you received an application

17 did you receive it and hold it until you got

18 them all, or how did you handle that?

19 A: Yes, there was a closing date for

20 the opening of the particular job, which at

21 that time all the packets were turned over

22 to Director McCool that turned them over to

23 where ever he sent them.

24 Q: And all of them came to you and

25 you turned them over to Director McCool?

PAGE 12

1 A: Right.

2 Q: And then did you have any further

3 involvement in the selection process?

4 A: None at all.

5 Q: Do you recall in early 1999 there

6 were disciplinary issues that involved Terri

7 Edwards that related to her performance?

8 A: Well, since that's a personnel

9 matter and its already in litigation, should

10 I answer Marv or not?

11 Attorney Weinberg: To the best of your

12 knowledge. Answer it.

13 A: Yes.

14 Q: And was in the context of your

15 demotion was Terri Edwards' name mentioned?

16 A: I don't recall?

17 Q: What about John Curanzy?

18 A: I doubt John Curanzy was.

19 Q: How about Dawn Hamilton? Was she

20 discussed?

21 A: No. I don't think there were any

22 specific names mentioned.

23 Q: Okay. Do you know why Joe

24 Sullivan was the one that they proposed for

25 the Operations Center Manager position?

SHEET 4 PAGE 13

1 A: Yes, I can tell you why.  
 2 Q: Why is that?  
 3 A: Because him and McCool were both  
 4 of the same heritage. They hung out  
 5 together and Sullivan behind my back was  
 6 stabbing me allegedly.  
 7 Q: Okay and what were those  
 8 allegations?  
 9 A: That I was not doing my job and  
 10 that. See the Director of Safety at the  
 11 time had retired and they never filled the  
 12 position. Part of my position is.  
 13 Q: At the time, when you say the  
 14 time, what time?  
 15 A: At the time I got demoted. He had  
 16 left approximately one year before that.  
 17 Q: Who McCool?  
 18 A: Clarence Wright.  
 19 Q: Okay.  
 20 A: And what happened is that I was in  
 21 charge of all the fire and ambulance  
 22 services on the turnpike in his absence, so  
 23 what would happen is that if I was in, lets  
 24 say, Allegheny County because of a meeting  
 25 with fire companies and so forth and I

PAGE 14

1 wasn't in the office; instead of Sullivan  
 2 doing the job as Duty Officer and supporting  
 3 me, he would go and complain to McCool that  
 4 I was never in the office and that I was not  
 5 doing my job.  
 6 Q: And how did you learn about that?  
 7 A: After the fact.  
 8 Q: From who?  
 9 A: Through my secretary and also  
 10 several other people in the department.  
 11 Q: What other people in the  
 12 department?  
 13 A: Well, my secretary at the time was  
 14 Deborah Ertzweiler and Cathy, what's her  
 15 last name? Bowers and Larson Lundcrest,  
 16 people like that nature that are -.  
 17 Q: Were those people in the Safety?  
 18 A: No, they were in Communications.  
 19 Q: Was Communications different than  
 20 Safety?  
 21 A: Yes, I was just assisting with the  
 22 Safety Department until they filled that  
 23 position.  
 24 Q: Okay. I thought Mr. McCool was  
 25 the Safety Operations?

PAGE 15

1 A: He was supposed to be, but I used  
 2 to handle all of the fire department issues.  
 3 Q: And when did that change?  
 4 A: The day I left as supervisor, as  
 5 manager.  
 6 Q: Did you ever have any discussion  
 7 with Joe Sullivan concerning him going to  
 8 Mr. McCool and talking about you and raising  
 9 issues with him?  
 10 A: Yes, but I don't; I mean he can't  
 11 back that up, obviously, at the moment, it's  
 12 past tense, but we discussed it.  
 13 Q: What did you discuss with him?  
 14 A: We discussed the fact that him and  
 15 I had worked together for many years and  
 16 that I thought that it was rotten for what  
 17 he had done to me and that he would get his  
 18 in six months later because of his drunken  
 19 binges he would quit.  
 20 Q: And how did he respond to your  
 21 accusations?  
 22 A: He was pretty hostile about it.  
 23 Q: Did he deny that he did anything?  
 24 A: No, he did not deny it.  
 25 Q: Did he confirm that he didn't?

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1 A: Well, he confirmed the fact that  
 2 him and McCool were friends and that they  
 3 used talk and McCool would ask him questions  
 4 about me, yes.  
 5 Q: Now did he say to you anything  
 6 about Mr. McCool had to say about you?  
 7 A: No. Not that I remember.  
 8 Attorney Weinberg: Do you want to take  
 9 a break?  
 10 A: No, I don't want to take a break,  
 11 I was just wondering, we have not gotten to  
 12 the point yet of what we are here for.  
 13 Attorney Weinberg: He's aware of the  
 14 time restriction.  
 15 Attorney Ostrowski: I understand you  
 16 want to be out of here by 11:00.  
 17 A: No, I go to work at 11:00, so.  
 18 You're costing me by the hour, so let's move  
 19 on.  
 20 Q: Now did you ever have any  
 21 conversations with Harry Williams about  
 22 interactions between Terri Edwards and John  
 23 Curanzy?  
 24 A: Well, I don't know, Terri Edwards  
 25 and I. Williams and I, I'm sorry about

SHEET 5 PAGE 17

1 that, Harry; were good friends. We worked  
 2 together for probably fifteen, eighteen  
 3 years. We worked at midnight together. I  
 4 was for about the last eight or nine of  
 5 those years I had been his midnight  
 6 supervisor when I got my promotion, I  
 7 promoted him to the midnight supervisor's  
 8 job. Not only because of the fact that he  
 9 was a friend, but he was loyal and he did a  
 10 good job. He knew what he was doing and  
 11 Harry and I, if I was in there on wicked  
 12 snowstorm or bad accident or whatever, we  
 13 would go down and have soda or something and  
 14 we would discuss things, a lot of times on a  
 15 personal note. John Curanzy, he was an  
 16 interesting fellow and I am sure that  
 17 somewhere along the line I'd come up, but if  
 18 it was anything detrimental, I don't  
 19 remember at this time, but if you want to  
 20 refresh my memory, I will see if I remember.

21 Q: Yeah, I will, but I want to  
 22 sidetrack for second.

23 A: That's alright.

24 Q: When did you promote Harry? When  
 25 you got promoted to.?

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1 A: That's correct.  
 2 Q: And was there a vacancy or?  
 3 A: Yeah, it was my vacancy.  
 4 Q: The position when you left, it was  
 5 not Duty Officer?

6 A: No, it was not.

7 Q: What was it?

8 A: It was called Senior Radio  
 9 Operator.

10 Q: And how many Senior Radio  
 11 Operators were there?

12 A: There were four permanent and then  
 13 if there not one on duty. The most senior  
 14 person working that night was the Senior  
 15 Radio Operator.

16 Q: And at the time immediately before  
 17 you were promoted to Operation Center  
 18 Manager, who were the other Senior Radio  
 19 Operators?

20 A: Jim Mulvihill, who is still in  
 21 that position, Marsha Evans and myself and  
 22 Joe Sullivan.

23 Q: Was Dale Wickard there at the  
 24 time? Not as a Senior Radio Operator, but  
 25 as a Radio Operator?

PAGE 19

1 A: Correct that, but your right.  
 2 What happened is that Marsha had been the  
 3 Senior Operator from 4-12? There was an  
 4 opening on daylight, she took the opening,  
 5 which she relinquished her Senior Radio  
 6 Operator position and Dale Wickard had taken  
 7 over the 4-12 shift as the Senior Radio  
 8 Operator.

9 Q: Did Marsha Evans go to the  
 10 daylight shift as a Senior Radio Operator?

11 A: No.

12 Q: She just wanted to work days. A  
 13 Radio Operator position came open, she took  
 14 that position?

15 A: That's correct. And took the loss  
 16 in pay to work daylight so she could be home  
 17 in the evening with her child.

18 Q: How long was that before you were  
 19 promoted?

20 A: Oh it was probably a year or so  
 21 before I promoted.

22 Q: And why was that position made  
 23 available for Dale Wickard and not do you  
 24 know if that position was posted?

25 A: Yes it was.

PAGE 20

1 Q: And he competed and was selected  
 2 for the position?

3 A: He was the most senior person  
 4 because of the fact that is a Union job, so  
 5 he had been the most senior qualified person  
 6 so he automatically was put in that  
 7 position.

8 Q: So at that time you were Union as  
 9 well?

10 A: No.

11 Q: As Senior Radio Operator?

12 A: As Senior Radio Operator, yes.

13 Q: So, the effect of the Senior Radio  
 14 Operator changed to Duty Officer took it  
 15 from the Union to a management position. Is  
 16 that correct?

17 A: They start at Senior Operator  
 18 positions and they also do the officer  
 19 positions.

20 Q: Prior to the creation of the Duty  
 21 Officer position and while you were  
 22 Operations Center Manager, did you have  
 23 occasion to fill any Senior Radio Operator  
 24 positions?

25 A: Well, I'm sure I did, yes. Well,

SHEET 6 PAGE 21

1 Dale actually did.

2 Q: So, Marsha Evans left after you  
3 became Operations Center Manager?

4 A: Yeah, that's right.

5 Q: So at that time Harry Williams had  
6 already been given or promoted?7 A: Yes, he applied for the job. He  
8 was the most senior qualified person for the  
9 position and I acquired him to that  
10 position.

11 Q: Did Dale Wickard apply?

12 A: Yes, but Harry had more seniority.

13 Q: If you take seniority out of the  
14 evaluation, and you have to choose between  
15 Dale Wickard and Harry Williams for that  
16 Senior Radio Operator position, who would  
17 you have chosen?18 A: The job was a midnight position,  
19 which is a job that Harry had worked for  
20 fifteen years. Harry was the most qualified  
21 person to work each shift as the realm  
22 idiosyncrasies. Harry was a person that at  
23 3:00 in the morning you would call the - -  
24 because the cops were there, whatever, Harry  
25 was the most qualified person and he would

PAGE 22

1 have got the job.

2 Q: If you will suppose that Harry  
3 Williams and Dale Wickard has both applied  
4 for a Senior Operator position on third  
5 shift that was neither of theirs; who under  
6 those circumstances would you have selected?

7 A: On the midnight shift?

8 Q: No, if Harry.?

9 A: On the midday shift? I would  
10 still probably would have picked Harry.11 Q: And just based on his performance  
12 or did your personal friendship have  
13 anything to do with that?14 A: Oh no. His performance. His  
15 years of service. He had been there a lot  
16 longer than Dale.17 Q: And was Fred Jumper employed in  
18 the Communications Center when you  
19 Operations Center Manager?

20 A: That's correct.

21 Q: Was he a two or a one?

22 A: No, he was not a Radio Operator  
23 one.24 Q: He was a one. And do you know did  
25 he ever bid on any of the vacancies that

PAGE 23

1 came up?

2 A: At the time he did not have enough  
3 seniority to move forward.

4 Q: How was his performance?

5 A: Great. We need twenty more like  
6 him.7 Q: Comparing him to Harry. Did one  
8 of them stand out versus the other?9 A: I used to always tell Harry that  
10 he should be on midnight the rest of his  
11 life because of the simple fact that I  
12 always feared that if Harry ever went  
13 daylight he would have got himself in a lot  
14 of trouble, because Harry had a short fuse  
15 at times and Fred was the kind of person  
16 that could have been a preacher or  
17 something, he was very smooth with the  
18 public.19 Q: Do you recall the situation where  
20 Terri Edwards was accused of threatening  
21 John Curanzy? Threatening to have her  
22 husband come down and take care of him or  
23 something to that effect?

24 A: inaudible.

25 Q: Do you recall that?

PAGE 24

1 A: Yes.

2 Q: Did Harry approach you and tell  
3 you that John Curanzy told him that Terri  
4 never threatened him?

5 A: Yes.

6 Q: And did he also tell you that  
7 Curanzy said he did that to get back at  
8 Terri for writing him up?

9 A: Yes.

10 Q: Was that when you were Operations  
11 Center Manager?

12 A: Yes it was.

13 Q: Was that in one discussion?

14 A: Yes.

15 Q: After you and Harry had that  
16 discussion, did you talk about what Harry  
17 had told you with anybody else?

18 A: No.

19 Q: You never addressed Mr. Sullivan  
20 or McCool?

21 A: No.

22 Q: Did you after Harry addressed that  
23 with you, have any discussions with McCool  
24 about Terri Edwards?

25 A: There was a lot of discussions

SHEET 7 PAGE 25

1 over the tenure of Terri Edwards, yes.  
 2 Q: Did Mr. McCool ever express to you  
 3 that he wanted to get rid of Terri Edwards?  
 4 A: I think we already handled that in  
 5 the other depositions, so I don't think.  
 6 That had nothing to do with Harry, so let's  
 7 move on.  
 8 Q: That's not for you to determine  
 9 whether it has anything to do with Harry. I  
 10 believe that it does.  
 11 A: Okay, then I don't recall.  
 12 Q: So, then let me just ask you this.  
 13 Be clear that when you just said so, I don't  
 14 recall, was that a truthful answer?  
 15 A: Yes.  
 16 Q: And you know you're under penalty  
 17 of perjury for not telling the truth here  
 18 today?  
 19 A: Ah huh.  
 20 Q: If I suggest to you that Joe  
 21 McCool made it clear to you that he wanted  
 22 Terri Edwards out of the Turnpike  
 23 Commission. Do you have any reason to  
 24 disagree with me?  
 25 A: No I don't.

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1 Q: Did you also speak with Paul  
 2 Heckman about the situation between John  
 3 Curanzy and Terri Edwards?  
 4 A: I don't know if I did not. I  
 5 figured that Terri was going to come in, but  
 6 John Curanzy has been dead for a long time  
 7 and knows there was a problem; Harry took  
 8 care of the problem. It was an ongoing  
 9 situation, as you know with Terri Edwards,  
 10 but did I talk to Paul Heckman about John  
 11 Curanzy, I can't tell you honestly if I did  
 12 or I did not.  
 13 Q: Did you ever have any discussions  
 14 with Joe McCool about Harry Williams?  
 15 A: Not that I can recall.  
 16 Q: How about with Mike Kennedy? Did  
 17 you have any discussions with him about  
 18 Harry Williams?  
 19 A: No, I can tell you that for a  
 20 fact.  
 21 Q: After you were then demoted to the  
 22 Duty Office position and again, I think you  
 23 said that four positions remained occupied  
 24 until you retired. Correct?  
 25 A: Yeah, they could not fill my

PAGE 27

1 position until I left.  
 2 Q: When was that? How long before  
 3 you retired did you learn about the early  
 4 out bill?  
 5 A: Ah, I had to wait till July 1st  
 6 because of my date of employment and that  
 7 was last day. I just made it by the last  
 8 day. I had gone to see the Retirement Board  
 9 about, let's see, probably in February or  
 10 March.  
 11 Q: Did you know at that point that  
 12 they were going to offer it?  
 13 A: Yes, that's why I went up there.  
 14 Q: Now, before you retired, do you  
 15 recall there was a posting for two vacancies  
 16 in the Duty Officer position?  
 17 A: I don't know. You see what  
 18 happened is that I retired July 1st, but  
 19 because of all my comp. time and my vacation  
 20 time, I hadn't worked after Memorial Day.  
 21 Q: When did you inform the Turnpike  
 22 that you were going to be retiring?  
 23 A: I notified them May 1st, in that  
 24 area. But, to answer your question that you  
 25 didn't ask yet, Dale and Fred were not

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1 appointed until after my departure.  
 2 Q: No, I understand that. Thank you.  
 3 So you don't know anything about there being  
 4 a posting for two or recall anything?  
 5 A: I don't recall, no.  
 6 Q: Did you ever have any discussions  
 7 with Harry Williams about his future with  
 8 the Turnpike Commission?  
 9 A: Yes I do.  
 10 Q: What did you and he discuss?  
 11 A: Harry Williams and I, like I said  
 12 earlier used to go down and we use to have a  
 13 lot of discussions and one of the  
 14 discussions I had with him, which was my  
 15 personal opinion was the fact that he was  
 16 getting himself in the middle of the Terri  
 17 Edwards, which was very volatile and even  
 18 though it was never mentioned, I am sure was  
 19 one of the reasons why I was demoted. And I  
 20 told him that he needed to stay out of the  
 21 middle of it. I don't remember the exact  
 22 words, but he needed to refrain from being  
 23 in the middle.  
 24 Q: And when in relation to your  
 25 retirement do you recall having that

SHEET 8 PAGE 29

1 conversation?

2 A: Well, I had only been midnight  
3 duty officer for several months. It was in  
4 the timeframe of somewhere between February  
5 and Memorial Day when I departed.

6 Q: Harry, in a deposition in the  
7 Terri Edwards matter testified. I will read  
8 you his testimony. He's referring to you.  
9 "He told me that he told me on both  
10 occasions that Mr. Joe McCool told him to  
11 tell me that I am jeopardizing my job with  
12 the PA Turnpike. I was jeopardizing  
13 retirement and I was jeopardizing my chance  
14 to become a duty officer for stepping out of  
15 ranks and for coming to the aid of helping  
16 with Ms. Edwards."

17 A: I don't remember if that was Mr.  
18 McCool that said that or not, but I do  
19 remember having that conversation with  
20 Harry.

21 Q: And did someone also suggest that  
22 to you that Harry was not doing himself any  
23 favors so to speak?

24 A: I think Mr. Sullivan did for sure,  
25 but I can't say Mr. McCool did or did not.

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1 Even though you know in the last deposition  
2 my opinion of Mr. McCool and the fact - but  
3 I can't obviously say that he's the one that  
4 told me that.

5 Q: I appreciate that. You say you do  
6 recall Mr. Sullivan saying this, in what  
7 context?

8 A: Mr. Sullivan even once he got  
9 promoted, he used to come to me and he used  
10 to go to Mr. Rausch all the time and  
11 discuss. Mr. Sullivan had a problem of  
12 keeping personnel issues within the confines  
13 of his ears and he used to go talk to  
14 everybody that would listen to him. And Mr.  
15 Sullivan had talked to me at least twice  
16 that I could remember about the situation  
17 with Harry getting involved in the middle of  
18 Ms. Edwards' problems with the Commission.

19 Q: And again, was that before you  
20 were demoted or after?

21 A: After.

22 Q: So while he was Operations  
23 Manager?

24 A: That's correct.

25 Q: Can you tell anymore specifically

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1 what he said. You said on two occasions?

2 A: Yes, I remember at least two  
3 occasions. And I know for a fact that on  
4 one occasion that could have it - - because  
5 he did tell me that, to warn Harry to stay  
6 out of the middle of it.

7 Q: He told you to warn Harry? And  
8 did you understand that he got that  
9 suggestion from Mr. McCool? Is that what  
10 you are saying?

11 A: Well, I don't know if I. I can't  
12 say that for a fact. I don't know where he  
13 got it.

14 Q: Okay. Did Sullivan ever mention  
15 McCool in any of those discussions with you?

16 A: Sullivan, what happened is once  
17 Sullivan became supervisor/manager he found  
18 out what I was going through and Sullivan  
19 used to complain profusely about Mr. McCool  
20 to me?

21 Q: About what type of things?

22 A: About letting us hang out to dry.  
23 And as far as you know, changing the  
24 direction the department was going. His  
25 personnel matters.

PAGE 32

1 Q: So, did in your explanation did  
2 Joe Sullivan's opinion of Mr. McCool change  
3 after Mr. Sullivan became Operations Center  
4 Manager?

5 A: Most definitely.

6 Video Reporter: Could I break a few  
7 minutes? Andy, do you want to suspend?

8 Attorney Ostrowski: Yeah, I'm sorry.

9 Video Reporter: The time now is  
10 10:45 we are suspending video and audio  
11 operations.

12 Video Reporter: The time now is 10:46  
13 we are back on the video and audio.

14 Mr. Frank: I was reminded of what we  
15 had discussed preparation for this and Mr.  
16 McCool did tell me to talk to him in  
17 reference of his promotion was going to be  
18 effected by his being with Terry Edwards.

19 Q: Mr. McCool did tell you that.

20 A: Yes yes.

21 Q: Okay. Can you tell me anymore  
22 about what he said or why he said it?

23 A: I believe you will also find it in  
24 there he called her a f\_\_.

25 Q: And Mr. McCool said that?

SHEET 9 PAGE 33

1 A: Yes. I believe to tell him not to  
2 support the f

3 Q: Mr. McCool told you to tell Harry  
4 not to support the Fuckin Niger.

5 A: That's correct.

6 Q: And Mr. McCool told you that  
7 because Harry was supporting Terry Edwards  
8 he was jeopardizing his chance to become a  
9 duty officer.

10 A: That's correct.

11 OSTROWSKI: That's all I have. Thank  
12 you.

13 MR. WEINBERG: To your knowledge did  
14 Mr. McCool play any role whatsoever in the  
15 promotion process from radio officer from  
16 duty officer to your knowledge?

17 A: No. That was handled by Mr.  
18 Sullivan and I think Mr. Rispoli.

19 Q: To your knowledge did Mr. McCool  
20 communicate his alleged feelings to Ms.  
21 Edwards or Mr. Williams to any of those  
22 individuals?

23 A: Not to my knowledge.

24 Q: Thank you.

25 OSTROWSKI: Do you know Mr. Capone?

PAGE 34

1 A: Oh yes very well.

2 Q: What was his position.

3 A: He was in charge of marketing and  
4 he's the one that handles all the public  
5 information things he was that you call the  
6 senior duty officers the people senior staff  
7 who you called for large incidents. At one  
8 time our department before the \_ worked for  
9 Mr. Capone originally he had become my boss.

10 Q: Originally who did you say  
11 was responsible for operations duty  
12 selection?

13 A: Mr. Capone was one of the  
14 interviewers and Mr. Rispoli, and Mr.  
15 Sullivan picked the people in my absence.

16 Q: Okay and you had discussions with  
17 Mr. Sullivan regarding discussion of Terry  
18 Edwards is that correct?

19 A: Oh yes. That's all Thank you.

20 VIDEO REPORTER: Time now is 10:50  
21 p.m. the deposition of Ronald Frank is now  
22 completed we are suspended audio and video  
23 operations.

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**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

**HARRY E. WILLIAMS**

**Plaintiff**

**vs.**

**PENNSYLVANIA TURNPIKE  
COMMISSION,**

**Defendant**

**NO 1:CV-01-0877**

**JURY TRIAL DEMANDED**

**DATE: JULY 12, 2002**

**PROCEEDING: VIDEO DEPOSITION  
JOANN GITTO DAVIS**

**ORIGINAL**

**APPEARANCES:**

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SHEET 1 PAGE 1

1 TONY MARCECA: Good afternoon ladies  
 2 and gentlemen. Be advised the video and audio is  
 3 in operation. My name is Tony Marceca. My  
 4 address is 2219 Dixie Drive, York, Pennsylvania  
 5 17402. I've been contacted by PR video to be the  
 6 video operator for this deposition. The case is  
 7 in the United States District Court of the Middle  
 8 District of Pennsylvania. It's title Harry E.  
 9 Williams, Jr., Plaintiff vs. Pennsylvania  
 10 Turnpike Commission, Defendants. It's a Civil  
 11 Action 1: CV-01-0877. The deposition is being  
 12 held in the Law Offices of Mr. Andrew Ostrowski,  
 13 4311 N. 6th Street, Harrisburg, Pennsylvania and  
 14 the video deposition is being taken on behalf of  
 15 the Plaintiff, Mr. William, or Harry E. Williams,  
 16 Jr. The time is 1:41 p.m. on the 12th of July  
 17 2002 and would the witness please raise their  
 18 right hand and swear after me. State your name,  
 19 full name.  
 20 MS. DAVIS: Joann Gitto Davis  
 21 TONY MARCECA: Joann?  
 22 MS. DAVIS: Gitto Davis  
 23 TONY MARCECA: Do you want that spelled? And do  
 24 you swear to tell the truth, the whole truth, so help  
 25 you God?

PAGE 2

1 MS. DAVIS: I do.  
 2 TONY MARCECA: Thank you.  
 3 MR. OSTROWSKI: Usual stipulations?  
 4 MR. WEINBERG: Usual stipulations.  
 5 TONY MARCECA: Would you identify yourself Mr.  
 6 Ostrowski.  
 7 MR. OSTROWSKI: Yes, Andrew Ostrowski,  
 8 Counsel for Plaintiff  
 9 MR. WEINBERG: Marvin Weinberg, Counsel for Turnpike  
 10 Commission.  
 11 TONY MARCECA: Heather  
 12 MS. SHARPE: Heather Sharpe, Assistant Counsel for  
 13 the Pennsylvania Turnpike Commission.  
 14 MR. WILLIAMS: Harry Williams  
 15 MR. OSTROWSKI: Ms., may I approach you as Davis?  
 16 MS. DAVIS: That's correct.  
 17 Q My name is Andy Ostrowski and we were introduced  
 18 just before I sat down here today. And you understand  
 19 that you're here today to give a deposition in  
 20 connection with the lawsuit that Harry Williams had  
 21 brought against the Pennsylvania Turnpike Commission?  
 22 A Yes  
 23 Q Have you given depositions in the past?  
 24 A No sir.  
 25 Q OK, what's your, I'm gonna dispense with a lot of

PAGE 3

1 the formality. Just at any time if you need to take a  
 2 break or anything just let me know and we'll do that.  
 3 A OK  
 4 Q OK? How long have you been employed by the  
 5 Pennsylvania Turnpike Commission?  
 6 A About 5 « years.  
 7 Q And you're currently employed with the  
 8 Pennsylvania Turnpike Commission?  
 9 A Yes  
 10 Q And is your position currently Director of Human  
 11 Resources?  
 12 A Yes  
 13 Q And have you held that position at all times since  
 14 you've been with the Pennsylvania Turnpike Commission?  
 15 A Yes  
 16 Q Prior to your employment with the Pennsylvania  
 17 Turnpike Commission, how were you employed?  
 18 A As the Director of Labor and Employee Relations at  
 19 RESORTS INTERNATIONAL Casino.  
 20 Q RESORTS International Casino?  
 21 A Yes  
 22 Q And how long did you hold that position?  
 23 A 16, about 16 years  
 24 Q OK, is that Atlantic City?  
 25 A That's Atlantic City.

PAGE 4

1 Q And when did you, when, do, do you have a, a  
 2 degree, Bachelor's Degree?  
 3 A I do have a Bachelors of Science of Degree in  
 4 Industrial and Labor Relations with Cornell University,  
 5 New York.  
 6 Q OK, and when did you get that?  
 7 A When?  
 8 Q Yes  
 9 A 1976  
 10 Q And could you just run through your employment  
 11 history from 1976 until you started with RESORTS?  
 12 A I worked at RESORTS.  
 13 Q OK, how is it that you became employed with the  
 14 Pennsylvania Turnpike Commission? I mean how did you  
 15 become aware of the position and what did you do to get  
 16 the position?  
 17 A I believe I saw it advertised and applied for the  
 18 position.  
 19 Q OK and with whom did interview when you, when you,  
 20 after you applied for the position?  
 21 A I interview with Deb Davis, Debbie Everling and  
 22 John Durbin.  
 23 Q OK and has your, your title been at all time  
 24 Director of Human Resources?  
 25 A Yes

SHEET 2 PAGE 5

- 1 Q And has your office structure remained the same at  
 2 all times during the 5 « years you've been there?  
 3 MR. WEINBERG: Objection. What do you mean by  
 4 office structure?  
 5 Q Well, how's, how, how's your office staffed?  
 6 A With the Human Resources specialists.  
 7 Q You're the Director and I'm assuming that's the  
 8 top position in the office, correct?  
 9 A Yes  
 10 Q And then how many other people are employed or  
 11 assigned to that office?  
 12 A Approximately 20.  
 13 Q OK, and they're all Human Resource Specialists?  
 14 A Not all of them, but Human Resources related  
 15 positions, classifications.  
 16 Q Could you describe for me how the, in terms of  
 17 its, its higher archival structure how your office is  
 18 set up. You know whether you have units underneath you  
 19 or if they're broken down into areas of responsibility?  
 20 A I have three direct reports. I shouldn't say  
 21 that. I have three functional areas: Manager of Labor  
 22 and Employee Relations, Manager of Compensation and  
 23 Benefits and HRIS and a Manager of EEO and Training and  
 24 Development and Staffing Specialists.  
 25 Q OK and how long have those three direct reports,

PAGE 6

- 1 those positions been in place?  
 2 A The last few years.  
 3 Q OK, was there a change in the structure of your  
 4 office at some point during your tenure?  
 5 A Yes  
 6 Q And do you know when that change occurred?  
 7 A Approximately the beginning of 2000, maybe 1999.  
 8 I can't recall.  
 9 Q OK and prior to the change how was your office set  
 10 up in terms of, you know, areas of responsibility?  
 11 A It wasn't, it was just the Human Resources  
 12 Department.  
 13 Q OK and you were going kind of fast, I couldn't  
 14 write it all down. One unit or area is Labor and  
 15 Employee Relations?  
 16 A Correct  
 17 Q The second one, what was that one?  
 18 A Compensation Benefits and HRIS  
 19 Q What is HRIS?  
 20 A Human Resources Information Systems  
 21 Q And then the third one was EEO?  
 22 A Training and Development  
 23 Q Training and Development. Who was the labor and  
 24 employment specialist at this point?  
 25 A Manager

PAGE 7

- 1 Q Manager  
 2 A Vince Kline  
 3 Q And how long has Mr. Kline been at that position?  
 4 A I'd say approximately three years.  
 5 Q OK and prior to Mr. Kline who was in that  
 6 position?  
 7 A I don't understand your question.  
 8 Q Before Mr. Kline was Labor and Employment Manager,  
 9 who was Labor and Employment Manager?  
 10 A No one.  
 11 Q OK, you, that's, he came in when you restructured  
 12 your office?  
 13 A No, he was a Labor Relations Specialist before  
 14 that and then was promoted to Manager.  
 15 Q OK, but was it, the position of Labor Employment,  
 16 Labor Employee Relations Manager a new position when he  
 17 filled it?  
 18 A He was promoted.  
 19 Q He was?  
 20 A promoted. He was a Labor Relations Specialist. He  
 21 was promoted to a combined certain classifications  
 22 under him and he was promoted to Manager of Labor and  
 23 Employee Relations.  
 24 Q Right, so prior to him being promoted to that  
 25 position, that position didn't exist?

PAGE 8

- 1 A That's correct.  
 2 Q OK and let's try if you can keep the reference to  
 3 1999 timeframe. How many personnel were in the Human  
 4 Resource office at that point? Roughly, if you don't  
 5 know exactly?  
 6 A I don't know at that point. When I started there  
 7 were about nine and I started in 1996.  
 8 Q OK  
 9 A Things fluctuate, they change over the years. I  
 10 don't know.  
 11 Q OK and now how many is it?  
 12 A 20  
 13 Q 20. Has your office taken on additional  
 14 responsibilities over your term as Director of Human  
 15 Resources?  
 16 A The scope of the position, the scope of the work  
 17 has expanded.  
 18 Q In what, in what sense?  
 19 A In all areas, in all facets of HR.  
 20 Q OK. What are the facets of HR?  
 21 A Labor and Employee Relations, Compensation  
 22 Benefits and Human Resources Information Systems, EEO  
 23 and Training and Education and Staffing.  
 24 Q OK. Are there things that your office is doing  
 25 now that it wasn't doing when you first started,

SHEET 3 PAGE 9

1 functions being performed?  
 2 A Functions are still the same the same the  
 3 functions, but functional responsibilities have  
 4 expanded.  
 5 Q OK, but when you say responsibilities have  
 6 expanded am I incorrect in looking at that as  
 7 additional responsibilities being brought in to the  
 8 office that weren't previously in the office?  
 9 A If I understand that correctly, yes, yes.  
 10 Q OK, so what functions are being performed now that  
 11 weren't being performed.  
 12 A The same functions, it's just that the, the  
 13 project work entering into the functions have been  
 14 expanded. I don't know how else to explain it. The  
 15 scope of the responsibilities haven't expanded.  
 16 Instead of having maybe four projects when I first  
 17 started, there's about 400 projects now going on.  
 18 Q Like, what types of projects?  
 19 A OK, for example, Human Resources Information  
 20 Systems; we didn't have a system. We, when I got  
 21 there, we, we, we contracted with and, and had this  
 22 system, in, implemented. So that's a major project and  
 23 it's an ongoing project in our Compensation Benefits  
 24 area.  
 25 Q OK

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1 A So things like that. So the scope has expanded.  
 2 Functional areas have remained the same.  
 3 Q OK, good enough.  
 4 A OK  
 5 Q What, what involvement does your office have in  
 6 the disciplinary process for employee discipline  
 7 matters?  
 8 A Can you.  
 9 Q Meaning is there, is there a certain level, a  
 10 prescribed level at which Human Resources office  
 11 becomes an active participant in the process? You know  
 12 I'm assuming that maybe a verbal warning is something  
 13 that can occur within the work unit between supervisor  
 14 and subordinate and then you know, written warning,  
 15 perhaps the same way and then is there some level of  
 16 discipline that mandates direct Human Resources  
 17 involvement?  
 18 A If an employee for example is going to be  
 19 suspended it comes to my attention and I sign off on  
 20 whether or not the suspension actually takes place.  
 21 Q OK and when you say you sign off on that is that  
 22 you have the final word on that?  
 23 A At that level I approve it. The final say is with  
 24 the Executive Director.  
 25 Q OK, and is that the same for terminations?

PAGE 11

1 A Yes  
 2 Q And when you approach something is it pretty much  
 3 rubber stamped as a matter of course? I mean not,  
 4 maybe rubber-stamped isn't a fair way to characterize  
 5 it but, is it, is your approval always or routinely  
 6 accepted by the Executive Director?  
 7 A For the most part.  
 8 Q OK, can you recall any instances where you had  
 9 approved a particular disciplinary action that the  
 10 Executive Director overturned you on?  
 11 A No, not at this moment.  
 12 Q OK and when you are administering discipline or  
 13 not administering, when you, with your involvement in  
 14 the process at the approval point of the suspension or  
 15 termination, what do you do prior to giving your  
 16 approval? You know if you have a general approach to  
 17 things, well, I talked to such and such and so and so  
 18 and I review whatever information?  
 19 A The manager of Labor and Employee Relations will  
 20 further investigate the request. I collaborate with  
 21 him and we can make a decision on whether or not it's  
 22 approved or not.  
 23 Q OK and what's the manager of Labor and Employee  
 24 Relations name again?  
 25 A Vince Kline

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1 Q Vince Kline, and you said prior to him being  
 2 Manager of Labor and Employee Relations he was a Labor  
 3 and Employment Specialist?  
 4 A Yes  
 5 Q Were there other Labor and Employment Specialists  
 6 at the time that he also was a Labor and Employment  
 7 Specialist?  
 8 A No  
 9 Q And how long, was he in the office when you  
 10 started?  
 11 A No  
 12 Q Who was, were there, who was the Labor and  
 13 Employment Specialist prior to Mr. Kline?  
 14 A Phil Oberton  
 15 Q OK and was Mr. Oberton in the office when you  
 16 started?  
 17 A Yes  
 18 Q And do you in the course of the disciplinary  
 19 process you communicate with the Labor and Employment  
 20 Specialist or Manager concerning whatever labor issues  
 21 are involved?  
 22 A Can you repeat that?  
 23 Q In the course of your administration of the  
 24 disciplinary process your, you, do you work primarily  
 25 work with the Labor and Employment Specialist?

SHEET 4 PAGE 13

1 A I don't administer discipline.  
 2 Q OK well in.  
 3 A The Department Head does.  
 4 Q So when you approve a disciplinary action it goes  
 5 back to the Department Head?  
 6 A That's correct, the DED.  
 7 Q OK, for the Department Head to then implement?  
 8 A Or the DED whoever does it once it leaves my hands  
 9 I don't know who actually administers it.  
 10 Q OK. Were you, I don't know if you know, but I also  
 11 represented Terry Edwards who also has a lawsuit  
 12 outstanding against Pennsylvania Turnpike. Are you  
 13 aware of her lawsuit?  
 14 A Yes, but I didn't know you represented her though.  
 15 Q OK. That, I guess that's not important.  
 16 A I wouldn't know that.  
 17 Q Were you involved, well I guess, your name shows  
 18 up on some of the documents.  
 19 A Everything  
 20 Q .in that case too. OK. At any point in the  
 21 disciplinary process as it related to Terry Edwards,  
 22 did you see anything that was prepared or provided by  
 23 Mr. Williams, any memorandum that he wrote concerning  
 24 what he perceived as the treatment of Terry Edwards?  
 25 A No

PAGE 14

1 Q Did you ever have any in the context of the  
 2 disciplinary process as it relates to Terry Edwards;  
 3 did you ever have any discussions of Harry Williams  
 4 with anybody?  
 5 A No  
 6 Q In, in the process leading up to Terry Edward's  
 7 termination, could, could you just ex, explain what  
 8 your involvement was, when you became aware of the  
 9 issues, what the issues were and how that progressed  
 10 until she was terminated?  
 11 A I don't recall the particulars at this point in  
 12 time.  
 13 Q OK. Do you recall who it was that you interacted  
 14 with from her department in the process?  
 15 A I believe the DED at the time is; the acting DED  
 16 was John Martino.  
 17 Q OK, did you and Mr. Martino actually have  
 18 discussions concerning the disciplinary process as it  
 19 relates to Terry Edwards?  
 20 A I really don't recall but if it had it was on a  
 21 limited basis. I really didn't get that involved in  
 22 that case.  
 23 Q OK, did you ever conduct any independent  
 24 investigation of any of the matters that were at issue  
 25 in her case?

PAGE 15

1 A No  
 2 Q And if you could just describe for me what your  
 3 involvement was. Were you just in a review capacity  
 4 were you in an investigative capacity, were you in a  
 5 director in capacity?  
 6 A In my capacity as Director of HRI, I may, I  
 7 reviewed the request to terminate from John Martino.  
 8 That's standard procedure.  
 9 Q Ok the request to terminate is standard procedure  
 10 but that originates with the DED?  
 11 A Yes, the DED and Department Head, yes.  
 12 Q DED and Department Head?  
 13 A Well it may be DED or and/or Department Head.  
 14 Q OK. Do you recall, do you have any interactions  
 15 with Joseph McCool concerning Terry Edwards, any  
 16 discussions with him about Terry Edwards and  
 17 disciplinary process?  
 18 A I don't recall at this moment.  
 19 Q OK. Now what, what is your roll, in, I mean as  
 20 Director of Human Resources in the promotion process as  
 21 it relates to vacancies or the posting and  
 22 advertisement of position vacancies in the Turnpike  
 23 Commission? Could you kind of give me a general sense  
 24 of the process?  
 25 A I'm responsible for the posting process.

PAGE 16

1 Q OK and what is the posting process? When does,  
 2 when does posting process actually begin and what  
 3 happens after that?  
 4 A Once there is approval from the Commissioners who  
 5 approve a vacant position and its ability to be posted.  
 6 Q OK, how does the request, the vacancy request get  
 7 to the Commissioners?  
 8 A From the DED to the personnel committee.  
 9 Q OK does the personnel committee of the Board of  
 10 Commissioners  
 11 A The personnel committee for the PTC  
 12 Q OK. Do you participate in that committee?  
 13 A No  
 14 Q Does that committee comprise of the Commissioners?  
 15 A No  
 16 Q No  
 17 A No, the top-level executives of the organization.  
 18 Q OK. Who is your direct report?  
 19 A ? name is Blair Fishburn.  
 20 Q And what is Mr. Fishburn's; a Chief Financial  
 21 Officer is it?  
 22 A DED of Finance and Administration  
 23 Q OK and is that position only been your direct  
 24 report?  
 25 A Yes

SHEET 5 PAGE 17

- 1 Q OK, since the time you first started?
- 2 A No
- 3 Q No, well, when, who was it before?
- 4 A Deb Davis, Director of Policy and Administration.
- 5 I initially accepted the position.
- 6 Q OK and are those the only two direct reports that
- 7 you've had since you been with Turnpike Commission?
- 8 A Yes
- 9 Q And was there a restructuring or reorganization
- 10 that led you a change from reporting to, from Ms. Davis
- 11 to Mr. Blair.
- 12 A Fishburn
- 13 Q Fishburn?
- 14 A Yes
- 15 Q When did that occur?
- 16 A The end of 1999, I believe. I don't recall.
- 17 Q OK. Do you have a, do; do you know what Harry
- 18 William's complaints are or what his complaint is
- 19 about?
- 20 A By preparing for the depositions I learned about
- 21 it.
- 22 Q OK, that he's essentially challenging the, the,
- 23 his non-selection for a couple vacancies that came up
- 24 in the Communications Center?
- 25 A Yes

PAGE 18

- 1 Q OK and do you have a recollection of, you know, a
- 2 present recollection even after reviewing, you know and
- 3 preparing for this deposition of the processes involved
- 4 in his non-selections?
- 5 A I don't get involved in the process.
- 6 Q But do you, do you recall being involved? Do you
- 7 recall the process that, that Harry Williams is
- 8 complaining about?
- 9 A His particular process?
- 10 Q Yes
- 11 A I mean I know the, the proc, the, the, you know
- 12 the bidding process.
- 13 Q And the general rule
- 14 A Yes
- 15 Q Do you recall the process as it related to the
- 16 Communications Center Duty Officer positions that were
- 17 posted and presumably filled back in 1999? Do you have
- 18 a present recollection?
- 19 A ?
- 20 Q OK, well the first, I guess we can do it by
- 21 looking at the documents. There's a document before
- 22 you with a sticker on it marked as Exhibit 1. It's,
- 23 it's a collection of various documents that I assembled
- 24 and put together and know I tried to have some, some
- 25 logical order to it.

PAGE 19

- 1 A Yes
- 2 Q .but, you know I didn't know what, what went with
- 3 everything else, so this is my ordering and it's not
- 4 the way I received from the Turnpike Commission, just
- 5 so, so you know and understand that. The first page of
- 6 that document of Exhibit 1 is PTC0734. Could you just,
- 7 I can read the document and understand generally what
- 8 it is but, could you explain for me more about where in
- 9 the process this documented generated?
- 10 A Yes, this is in the initial step of the process in
- 11 which the DED has approval to post and fill a
- 12 particular position. If it's on the external market
- 13 then I request to the Purchasing Director, actually
- 14 he's the purchasing Manager, to advertise for the
- 15 positions; standard procedure.
- 16 Q When you say this is a request from the DED, is
- 17 that the DED or the .
- 18 A Department Head
- 19 Q And, and in this case, Joe McCool is the
- 20 Department Head, correct?
- 21 A That's correct.
- 22 Q So this, this request to advertise position
- 23 vacancies came through Mr. McCool?
- 24 A Correct
- 25 Q And who is Jeffery L. Hess?

PAGE 20

- 1 A He's the Managing, he's the Purchasing Manager.
- 2 Q OK, do you know why, what his involvement in the
- 3 process is, or why this was sent through you to him?
- 4 A Yes because he makes contact with the newspapers
- 5 and advertises.
- 6 Q OK, he.
- 7 A On my behalf
- 8 Q OK, he's acting on your behalf in that capacity?
- 9 A Yes
- 10 Q Is there a point in which, there's a decision made
- 11 as to the way the position is going to be posted?
- 12 Meaning are there times that the position is, is posted
- 13 internally as opposed to externally and vice-versa?
- 14 A Yes
- 15 Q And how is that determination made?
- 16 A At the personnel committee's level when the DED
- 17 applies for positions to be posted they either apply
- 18 for it to be posted internally or internally and
- 19 externally. In this case because it was an external
- 20 post, I mean because I see that this is going to be
- 21 posted externally, the position was requested to be
- 22 posted internally and externally.
- 23 Q OK, so from the outset this position, Duty Center
- 24 or Communication Center Duty Officer was to be posted
- 25 internally and externally? Is that correct?

SHEET 6 PAGE 21

- 1 A Well I'd have to see first the backup but it looks  
 2 it, you know it appears that way here.  
 3 Q Well is there ever a time that a position is  
 4 posted externally without also being posted internally?  
 5 A Typically not, but I don't recall. I post more  
 6 than a 100 positions in a year, I, I can't keep track  
 7 of all of them.  
 8 Q I understand. And back in, on April 20th of 1999,  
 9 Deb Eberly was, what was her position?  
 10 A Associate Executive Director  
 11 Q OK and was she your, was she a direct report?  
 12 A No  
 13 Q Now do you know who's responsible for drafting the  
 14 advertisement?  
 15 A Yes  
 16 Q Who is, who is responsible for that?  
 17 A DED and Department Head.  
 18 Q OK and you use DED and Department Head, you seem  
 19 to use them interchangeably a lot, is that, I mean are  
 20 they in some sense functional equivalents?  
 21 A No  
 22 Q No  
 23 A A DED is higher than a Department Head. I  
 24 should've said DED and/or Department Head.  
 25 Q OK

PAGE 22

- 1 A In this case it could've been, I don't recall, Joe  
 2 McCool because he was the De, he was the Department  
 3 Head at the time because there was an acting DED.  
 4 Q OK. The third page of this document, PTC0736 it's  
 5 the next page. That is a memorandum from you to Mr.  
 6 Martino dated May 12, 1999. And it references resumes  
 7 submitted to the Department Human Resources for three  
 8 Communications Center Duty Officer positions. Were  
 9 there three positions that were available at that time?  
 10 A It appears that there were three Communication  
 11 Center Duty Officers available, yes, positions.  
 12 Q OK and the reason for the question is that, you  
 13 know the first page the subject; the memorandum from  
 14 Joe McCool says it has a advertisement for two  
 15 Communication Center Duty Officers. And what I'm, I'm  
 16 just trying to understand, if only two of them were  
 17 posted externally or if there, if there is a  
 18 discrepancy there?  
 19 A I, I can't recall.  
 20 Q OK. Well, subsequent to May 12, 1999 were there  
 21 or as of May 12, 1999 were there three vacancies in the  
 22 position of Communication Center Duty Officer?  
 23 A I believe there were.  
 24 Q OK. Do you recall what is the, the prescribed  
 25 procedure for the posting of vacancies, meaning are

PAGE 23

- 1 there certain processes that is mandatory to follow  
 2 because your dealing with Union covered positions?  
 3 Meaning, are all positions, does it say, well lets  
 4 leave.  
 5 A This is not a Union position.  
 6 Q The Duty Officer position is Non-Union?  
 7 A Right  
 8 Q OK, well that's, now but are there non-the-less  
 9 procedures that must be followed in advertising,  
 10 posting, in filling, even what I'll call, is this a  
 11 Management Level position?  
 12 A Management position  
 13 Q OK. Are there prescribed procedures for filling  
 14 those positions?  
 15 A Yes  
 16 Q And must they be filled on a competitive basis?  
 17 A Well Policy Letter 65 dictates the process.  
 18 Q OK and that Policy Letter what, what, does it call  
 19 for, does it mandate a competitive selection process?  
 20 A Yes  
 21 Q OK. And this, on the May 12, 1999 memorandum.  
 22 A Yes  
 23 Q Do you recall how many, how many resumes you  
 24 forwarded to Mr. Martino?  
 25 A No

PAGE 24

- 1 Q And in the second sentence they are attached for  
 2 your review for the next step in the selection process.  
 3 What is your understanding of the next step in the  
 4 selection process?  
 5 A For the DED's to review the list and/or Department  
 6 Head to review the list that I send and then set up the  
 7 interview process; the actual interviews.  
 8 Q OK, so after, after this memorandum, what was your  
 9 next involvement in the process?  
 10 A Once the selection by the DED or Department Head  
 11 is made, they forward the list of names to me on a  
 12 Candidate Selection Personnel Action form.  
 13 Q OK, OK. Flip to the, the next page PTC00634,  
 14 0635, actually the next six pages or eight pages are  
 15 various versions, actually the next 10 pages, various  
 16 versions of that same general format.  
 17 A Yes  
 18 Q This is a Promotion Application Log.  
 19 A Yes  
 20 Q Is this a document that's generated from your  
 21 office?  
 22 A That's correct.  
 23 Q And is this, was this document also forwarded to  
 24 Mr. Martino as part of the packet that you sent over?  
 25 A Yes

SHEET 7 PAGE 25

- 1 Q On.
- 2 A In addition to resumes and applications
- 3 Q Thank you. The PTC0634 is that, is that your
- 4 handwriting on the Deb, Deborah Ertzweiler and Fred
- 5 Jumper lines?
- 6 A No
- 7 Q Is the, the qualifications, the decision as to
- 8 qualify, that appears to be something or determination
- 9 that is made in your office is that correct?
- 10 A Yes
- 11 Q And what is involved in making that determination?
- 12 A We would at the job description, where it says
- 13 minimum education requirements, educational and
- 14 training requirements and look at the resumes of each
- 15 candidate or application of each candidate, the updated
- 16 application to determine whether or not the individual
- 17 meets the qualifications for the position. If they do,
- 18 then we indicate it on this form and send it to the
- 19 DED.
- 20 Q OK. Now is there any additional process after the
- 21 preparation of the Promotion Application Log for
- 22 reviewing qualifications? Meaning, can someone at some
- 23 point say no, he or she was not qualified for the
- 24 position?
- 25 A The DED has that ability.

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- 1 Q OK and is that something that's communicated
- 2 through your office?
- 3 A For the most part, yes.
- 4 Q Now was there, and I think in all of these
- 5 versions of this document, Harry Williams appears in
- 6 the, under the, had to check for an X next to the.
- 7 A qualify
- 8 Q .except for PTC0241, there's one that has
- 9 handwritten checkmarks in it?
- 10 A OK
- 11 Q Are you on that one?
- 12 A Yes
- 13 Q And Harry Williams has a checkmark under NO for
- 14 qualified. Do you know when in the process these
- 15 checkmarks were, or who, who placed the checkmarks on
- 16 this document?
- 17 A No, I don't.
- 18 Q OK. Did you ever see this document before?
- 19 A I, I can't recall. I mean all I can say is that
- 20 the finished product that goes in the DED's, is my, is
- 21 my Promotion Application Log that I sent with my, with
- 22 the memo. The ones were they're typed in, comes from
- 23 my office. Anybody could've done that. I don't know.
- 24 Q OK, OK I'm just asking if you have a recollection.
- 25 A Yes, no.

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- 1 Q So as far as you're concerned Harry Williams or as
- 2 far as the Human Resources Office for the Turnpike
- 3 Commission is concerned, Harry Williams was qualified
- 4 for the position?
- 5 A In accordance with this, it says he's qualified
- 6 for the position.
- 7 Q OK and, and.
- 8 A Posted, the position that he applied for posted
- 9 April 23, 1999 to May 7, 1999, that was correct.
- 10 Q OK and when, when making that determination that
- 11 qualification determination, is there some flexibility
- 12 in terms of the job description or the, the basic
- 13 education and training requirements?
- 14 A Could you repeat that again?
- 15 Q Is there some, some flexibility that you have in
- 16 making the qualified or not qualified determination as
- 17 it relates to the, the qualification criteria?
- 18 A Either you make the requirements or you don't.
- 19 Q OK, well, cause I note that, and this is, this is
- 20 a document that we had marked or that was marked
- 21 Defendants Exhibit 1 during Mr. William's deposition.
- 22 There might even be a copy of it in the packet. This
- 23 is a job titled Communications Center Duty Officer that
- 24 has under qualifications; education, Bachelor's Degree
- 25 and completion of APCO, A-P-C-O 40 hour

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- 1 telecommunicator course or any equivalent combination
- 2 of experience in training and, and Mr. Williams doesn't
- 3 have a Bachelor's Degree. Is that, is it fair to say
- 4 then that he met the equivalent combination.
- 5 A or any equivalent combination of experience in
- 6 training
- 7 Q OK
- 8 A That's correct.
- 9 Q OK, I just don't want to be at a point where the
- 10 Turnpike Commission is gonna take the position that
- 11 Harry Williams is not qualified for this position. Has
- 12 your opinion or position on Mr. William's
- 13 qualifications for the Communications Center Duty
- 14 Officer position changed at any time since May 12,
- 15 1999? I mean do you understand the question?
- 16 A On here it says he was qualified for the position
- 17 for which he posted April 23, 1999 to May 7, 1999.
- 18 Q OK and that's your determination?
- 19 A On this log, the ? chart that is sent to the DED,
- 20 he was qualified for this particular posting.
- 21 Q OK, and has your, your opinion changed since May
- 22 of 1999 as to whether Harry Williams was qualified for
- 23 that position at that time?
- 24 A I don't have an opinion on that.
- 25 Q OK

SHEET 8 PAGE 29

- 1 A I mean it's either  
 2 Q Either he does or he doesn't?  
 3 A It's either it comes before me at the time and I  
 4 make the necessary determination whether or not he's  
 5 qualified.  
 6 Q OK  
 7 A OK?  
 8 Q Fair enough. On the Promotion Application Log.  
 9 A Yes  
 10 Q .there also is a category for date of hire. What  
 11 is the significance or why is that information on the  
 12 reflected on the Promotion Application Log?  
 13 A We just, for all internal candidates we want it to  
 14 show how long the person's been here, for no other  
 15 reason than that.  
 16 Q Is there consideration given to the seniority of,  
 17 of applicants per position?  
 18 A It has nothing to do with the interview process.  
 19 Q OK. Is there any, does it, does it bear any  
 20 relation to the selection process?  
 21 A No  
 22 Q And, do you, did you, were you responsible for  
 23 developing this format, this Promotion Application Log?  
 24 A Possibly, this was a long time ago. I don't  
 25 recall.

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- 1 Q OK, I'm just trying to understand if there's any  
 2 reason that Date of Hire is something that's recorded  
 3 on the Promotion Application Log. And can, are there  
 4 any reasons that you know, are aware of that, that is  
 5 recorded?  
 6 A No, no particular reason.  
 7 Q OK. On PTC0238 and 0239 there's some, some  
 8 handwriting, and actually might be different  
 9 handwriting, but on the first, first page of that, it  
 10 says delete. Is that your handwriting?  
 11 A Yes  
 12 Q OK and was that deleted to reflect Terry Edwards  
 13 termination?  
 14 A That's correct.  
 15 Q And then on the second page.  
 16 A Yes  
 17 Q .there's a notation that says change and it was a  
 18 change of to no qualified unto yes qualified.  
 19 A Yes  
 20 Q Is that your handwriting?  
 21 A That's correct.  
 22 Q OK and who's, who were you directing to make that  
 23 change and to delete you know the Terry Edwards?  
 24 A One of my staff members who reviewed this first.  
 25 Q OK and do you recall why the, the determination

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- 1 was made to change the qualification recommendation as  
 2 to Mr. Skelly and Mr. Ware, W-A-R-E?  
 3 A Not at this time.  
 4 Q OK. After all those promotions, or what do they  
 5 call them, Promotion Application Log documents, there's  
 6 a recommended personnel action dated June 4, 1999.  
 7 A Yes  
 8 Q Just leave that in front of you for now, cause I  
 9 want to ask you a couple more general questions.  
 10 A Yes  
 11 Q Was, was Mr., who was responsible for this  
 12 selection decision? Was that Mr. McCool?  
 13 MR. WEINBERG: Do you have the right page?  
 14 Q I'm not asking the question.  
 15 MR. WEINBERG: I threw a reference to 0244.  
 16 Q I had her refer to that and then told her that I  
 17 wasn't gonna refer to that. I mean, if, if, if it  
 18 helps you to answer that question, then by all means  
 19 refer to it.  
 20 MR. WEINBERG: Could you repeat the question?  
 21 Q Yes, actually it may. My question was who was  
 22 responsible for the determination as to this personnel  
 23 action? And if you look to 0246.  
 24 A Well, Joe Sullivan signed the signature ?  
 25 Q OK and also and Mr. Martino?

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- 1 A and John Martino  
 2 Q Whats.  
 3 A So the two, John Martino is the acting DED, so the  
 4 two of them were responsible.  
 5 Q But the request came from Mr. McCool?  
 6 A That's correct.  
 7 Q Correct? Do you know why he would not have been  
 8 involved in the process?  
 9 A No I don't.  
 10 Q OK. Are there, are there prescribed procedures  
 11 for how the interview process is to be conducted?  
 12 A The DED is responsible for scheduling and  
 13 conducting the interviews.  
 14 Q OK, what about, like in this case, PTC0244  
 15 references three persons conducting the interview.  
 16 A Yes  
 17 Q Do you know how that team or committee is  
 18 assembled?  
 19 A Well it's in accordance with Policy Letter 65, but  
 20 the DED typically assigns the interview panel.  
 21 Q The DED typically.  
 22 Head, yes.  
 23 Q What does the, what were you referring to 65..  
 24 A Policy Letter 65  
 25 Q Policy Letter 65, what does that provide for in

SHEET 9 PAGE 33

- 1 terms of assembling the interview panel?
- 2 A Well it just says there's a panel that, that is
- 3 assembled for the purpose of interviewing candidates.
- 4 Q OK, does it have any further specifications as to
- 5 who should or should not be on the panel?
- 6 A Usually there are Department Heads, two or
- 7 Managers.
- 8 Q Is there some expectation of there being
- 9 familiarity with the general work done by the position
- 10 for which the interviews are being conducted?
- 11 A That's left, left up to the DED. It's not in
- 12 Policy Letter 65.
- 13 Q OK. So anything then that's not in Policy Letter
- 14 65 is left up to the DED or the responsible official?
- 15 Is that correct?
- 16 A ? makes the executive decision to have who he
- 17 wants on this panel.
- 18 Q OK. At the bottom of 0244 and understand, well
- 19 I'll just clarify, you didn't prepare this document,
- 20 correct?
- 21 A No
- 22 Q OK. Have you seen this document before?
- 23 A Yes I see it when I take it to the Administration
- 24 Committee for their review.
- 25 Q OK and from, after this document is signed or

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- 1 after June 4, 1999; if this occurred in the normal
- 2 course it would've gone from, from Mr. Martino, if
- 3 that's his signature to you?
- 4 A That's correct.
- 5 Q OK and do you recognize on the third page of that
- 6 document 246 that that actually is Mr. Martino's
- 7 signature?
- 8 A It appears that it is his.
- 9 Q OK and as opposed to being Mr. McCools?
- 10 A Yes
- 11 Q OK. Now I'm back to page 244, the first page of
- 12 the document.
- 13 A Yes
- 14 Q When it says a list, I'm at the bottom,
- 15 explanation of the interview and selection process; a
- 16 list of standard questions was compiled and asked of
- 17 each applicant.
- 18 A Yes
- 19 Q Do you have an understanding of what standard
- 20 questions, I mean do you have a form or something in
- 21 your offices?
- 22 A No
- 23 Q OK
- 24 A No
- 25 Q So whoever drafted that would know.

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- 1 A The Department Head or the DED compiles the list
- 2 of questions.
- 3 Q OK
- 4 A Typically
- 5 Q OK. Now this also, it recommends, or it states
- 6 under applicants recommended that there were two total
- 7 applicants recommended.
- 8 A Yes
- 9 Q Do you, do you know what the status of the third
- 10 position was at this point?
- 11 A Not at this point.
- 12 Q OK. I think, I think I asked, well I'm sure I
- 13 asked the question but I'm not sure I remember the
- 14 answer, in the normal course then this is a document
- 15 that would go directly to you?
- 16 A That's correct.
- 17 Q And then, what, what did you do, do you recall
- 18 this document actually coming to you?
- 19 A They all come to me.
- 20 Q Ok. What do you do with them when, after you get
- 21 them?
- 22 A I, once I receive this then I put the position on
- 23 the Administration Committee agenda for the next
- 24 committee meeting.
- 25 Q OK

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- 1 A and then it goes before the committee. This
- 2 document goes before the committee.
- 3 Q OK, to either approve or disapprove of the action?
- 4 A That's correct.
- 5 Q And then if, if the committee approves, what's the
- 6 process after that?
- 7 A Then it goes to formal commission for approval, to
- 8 the Commission for formal approval.
- 9 Q OK and then from the Commission to you? I mean
- 10 don't, you send out the letters don't you?
- 11 A Yes
- 12 Q Yes
- 13 A Then it goes back to me once I hear from the
- 14 Commissioners that there's approval granted for this
- 15 position, then I send out the letter to the individual
- 16 letting, informing them of the position.
- 17 Q OK. Now from the time that you submitted the May
- 18 12, 1999 memorandum to Mr. Martino until you received
- 19 the June 4, 1999 recommended personnel actions, do you
- 20 know if you had any, any involvement of any nature in
- 21 this process; either general discussions about how the
- 22 process was going or specifically as it relates to
- 23 direction being given?
- 24 A Like I said I have over in excess of 100 positions
- 25 in any given year so, no I don't recall that.

SHEET 10 PAGE 37

- 1 Q OK. Do you recall having any discussions of,  
2 about Harry Williams at any time in that selection  
3 process?  
4 A No I don't.  
5 Q I'm gonna, I'm on 0742 now.  
6 A Yes  
7 Q Is that were you are?  
8 A Yes  
9 Q OK, I may have this a little bit out of order. Is  
10 there a, a Promotion Application Log for every posting?  
11 A Yes  
12 Q And, I do have this somewhat out of order, 742, if  
13 you flip the whole way back one, about seven or eight  
14 pages there's a, a Promotion Application Log and that.  
15 A Yes  
16 Q . does not reflect Harry Williams, correct?  
17 A That's correct.  
18 Q OK. And then following that page.  
19 A Yes  
20 Q .is a July 21, 1999 memorandum from you to Joseph  
21 McCool.  
22 A Yes  
23 Q On July 20, 1999 the Commissioners approved the  
24 following personnel actions.  
25 A Yes

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- 1 Q .number one, your request to repost internally and  
2 advertise externally for Communications Center Duty  
3 Officer position as per your memorandum dated June 22,  
4 1999.  
5 A Yes  
6 Q Do you, do you know if there was a decision made  
7 to not fill a third Communications Center Duty Officer  
8 position back in June 1999?  
9 A I don't recall.  
10 Q OK. Then, about four pages after that Promotion  
11 Application Log that was PTC0758, there is, well you  
12 have, you have that memorandum we just referred to.  
13 A Yes  
14 Q .a vacancy notice, two vacancy notices.  
15 A Yes  
16 Q .then a document that doesn't have a PTC number  
17 because this is a document that, that came from Mr.  
18 Williams.  
19 A Yes  
20 Q .and that and the two following, or three  
21 following pages.  
22 A Yes  
23 Q .appear to be, or strike that, do you, do you  
24 recognize that first page as a Pennsylvania Turnpike  
25 Commission job bid form?

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- 1 A What I recognize is this job bid form is only used  
2 for Union employees.  
3 Q Pardon me?  
4 A It's only used for Union employees, a Union  
5 employee job, job bid.  
6 Q OK. Now why is this only used for Union employee  
7 job bid?  
8 A Because of the process for applying for a Union  
9 position and the pro, a separate process applying for a  
10 Management position.  
11 Q OK. Then there's a letter attached that follows  
12 that dated July 28, 1999.  
13 A Yes  
14 Q .referencing application, it's to you, referencing  
15 Mr. William's application for the position as  
16 Communication Center Duty Officer posted on July 27,  
17 1999.  
18 A Yes  
19 Q ..Do you recall receiving this letter?  
20 A No I do not.  
21 Q OK. Is there any reason that you're aware of that  
22 Mr. William's name does not appear on the Promotion  
23 Application Log that's PTC0758?  
24 A 0758, 0758, 0758, but what date is that?  
25 Q That's August 10, 1999.

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- 1 A Well, this must be back some further than this  
2 thing. Well his name is not on here it's obvious.  
3 Q Right, do you know of any reason why his name  
4 would not be on here?  
5 A Well it wouldn't be on there if he hadn't made  
6 application for the position.  
7 Q Do you have any reason to believe that he didn't  
8 make application for the position, other than the fact  
9 that his name isn't on there?  
10 A Well if it's not on the log then it didn't come in  
11 to the office, cause every position, every candidate  
12 that applies for a position is on the log.  
13 Q OK. Now, if, if you can assume just for purposes  
14 of my question that you did receive the July 28, 1999  
15 correspondence, if you did receive that, is there any  
16 reason that his name would not have been placed on the  
17 Promotion Application Log?  
18 A Well.  
19 Q If that's all you received.  
20 A I can't make that assumption but what I can say is  
21 that if we had received this, this job bid form, which  
22 is only used for Union employees, bidding on a Union  
23 position, we call the applicant and let them know, the  
24 candidate know that this is the improper way to file,  
25 to apply for a Management position. We would redirect

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1 them to complete the necessary Management related form  
 2 and/or submit an application or resume. Not a form,  
 3 strike that, an application and resume.  
 4 Q OK is there an application and resume; I mean did  
 5 everybody, what is an application?  
 6 A A, a job application.  
 7 Q OK does the Pennsylvania Turnpike have forms  
 8 called job applications?  
 9 A Employment applications  
 10 Q Employment applications?  
 11 A Yes  
 12 Q OK if, how does someone external apply for a  
 13 position.  
 14 A They send in a resume.  
 15 Q OK, they don't need a job application?  
 16 A No an application or a resume and it says it very  
 17 clearly stated on the vacancy notice.  
 18 Q OK, well the July 28, 1999 correspondence.  
 19 A Yes  
 20 Q .the second paragraph says as you can see from my  
 21 resume I've been in the field of radio communications  
 22 for over 26 years, etc., etc..  
 23 A Yes  
 24 Q .Was, again assuming, assuming this was sent if  
 25 not, you know received by you was there any reason

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1 that, if there was a resume attached this was a  
 2 insufficient application?  
 3 A Well if the resume was an updated resume, I don't  
 4 see a resume here, we would use the resume.  
 5 Q That would be a sufficient application?  
 6 A But if only this came in, this.  
 7 Q Only this in what?  
 8 A .this, this second job resume, this, this job bid  
 9 form that is used only for designated Union posted  
 10 positions and this letter it is insufficient for, to  
 11 make application on this basis.  
 12 Q OK and what if that's all that came in, you just  
 13 would've excluded Mr. Williams.  
 14 A No, I said prior, that I would call him.  
 15 Q All right  
 16 A .and let him know or any candidate that they have  
 17 to make application the way it says on the job posting.  
 18 Q OK. If you, well I'll give you that.do you, do  
 19 you, do you have any, any, or what reasons could you  
 20 offer to explain why Harry William's name was not on  
 21 the Promotion Application Log for the July 27, 1999  
 22 position?  
 23 MR. WEINBERG: I'm gonna object. You've, you've  
 24 already asked that question twice and she's answered it  
 25 twice.

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1 Q OK well, I just wanna clarify, I understand and I  
 2 don't want to labor it, but if you could, one more  
 3 time, just any reasons that you could think of, whether  
 4 no reasons known to you or that, you know based upon  
 5 your experience would be known to you that Mr.  
 6 William's name was not on the Promotion Application Log  
 7 for the July 27, 1999 posting?  
 8 A Any candidate who doesn't make application's name  
 9 is not on the log.  
 10 Q OK, so one reason is he didn't make application?  
 11 A It's not, if I don't have an HR of the data, that  
 12 the vacancy notice comes down, the person's name is not  
 13 on the log.  
 14 Q Any other reasons that someone's name wouldn't be  
 15 on the log?  
 16 A No  
 17 Q OK  
 18 A No  
 19 Q Has there ever been an instance that you're aware  
 20 of where someone has made application for a vacancy and  
 21 their name has not appeared on Promotion Application  
 22 Log?  
 23 A None that I can recall, no.  
 24 Q Did you have any discussions in around July 1999  
 25 concerning Mr. William's? Did you, strike that. Do

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1 you recall, and I think you already testified, but I'll  
 2 ask you again, if you received that letter the July 28,  
 3 1999 letter.  
 4 A I don't ever recall receiving it.  
 5 Q In the normal course, after you receive a cover  
 6 letter and resume, what do you do with that?  
 7 A It comes in to HR, it's time-stamped to ensure  
 8 that it met that it met the deadline date for the  
 9 vacancy, it goes in a file, someone prepares the log  
 10 and it goes to the DED.  
 11 Q OK. Do you and you typically acknowledge receipt  
 12 of application for every applicant?  
 13 A Say that again.  
 14 Q Do you typically acknowledge receipt of  
 15 applications for every applicant?  
 16 A Yes  
 17 Q OK. PTC0224 it's interview questions, Duty  
 18 Officer Safety and Operation Center.  
 19 A Yes  
 20 Q Have you ever seen this document before?  
 21 A No  
 22 Q Do you recognize any of the handwriting on that  
 23 document?  
 24 A I do not.  
 25 Q OK. Do you know if the comment under number one,

SHEET 12 PAGE 45

- 1 under Harry William's feels one of the best qualified,  
 2 if that comment has any relation to the decision not to  
 3 fill the third Duty Officer position?  
 4 A I have no knowledge of any of this.  
 5 Q There following that is, you know some, a letter  
 6 and resume forwarded by Mr. Williams. Look through  
 7 that. I'm not gonna ask anything about that right now.  
 8 A Date?  
 9 Q April 23, 1999  
 10 A OK  
 11 Q Flip past that stuff until you get to the next job  
 12 bid form. And you have that job bid form dated, or for  
 13 a posted date of November 28th of 2000.  
 14 A Yes  
 15 Q And it says position posted Communications Center  
 16 Duty Officer, correct?  
 17 A Yes  
 18 Q Do you know Mr. William's.PTC0497  
 19 A Wait a second, where is that?  
 20 Q That's.  
 21 A at the end  
 22 Q Yes, it's about four or five pages from the back.  
 23 A OK  
 24 Q OK that reflects Harry William's name with a  
 25 checkmark under qualified. Do you recognize that

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- 1 checkmark?  
 2 A No  
 3 Q OK, the following page then is, is an X under  
 4 qualified for Harry Williams. Is that, do you  
 5 recognize that as a document that, that would've come.  
 6 A It's generated in my office.  
 7 Q OK and it's for the position that was posted  
 8 November 28, 2000.  
 9 A Yes, yes  
 10 Q Is there, was the job bid form that was submitted  
 11 that we looked at a few minutes ago, was that  
 12 sufficient for his posting or his application for that  
 13 position?  
 14 A No it would not have been there had to be either a  
 15 resume attached or an updated application, employment  
 16 application. And from this package, or from these two  
 17 things, I don't see it here, so.I'm sure it went to the  
 18 DED.  
 19 Q OK then do you recall ever contacting Mr. Williams  
 20 and informing him that you know an application you  
 21 received should've been taken somewhere else?  
 22 A Me, me personally?  
 23 Q Yes  
 24 A No  
 25 Q OK

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- 1 A Today is the first I ever had contact with him. I  
 2 never met him before, I never saw him before. I  
 3 introduced myself today for the very first time.  
 4 Q OK, but did you ever telephone contact?  
 5 A No  
 6 Q OK  
 7 A No, no contact, what so ever.  
 8 Q OK, now was there a point at which, you know  
 9 whether you told him or someone else that you know told  
 10 him, him being Mr. Williams, that he should take an  
 11 application and resume to a Susan Trout as opposed to  
 12 your office?  
 13 A I have no knowledge of that.  
 14 Q OK  
 15 A She doesn't work for me.  
 16 Q OK. Is there any reason why anybody would tell  
 17 him to take an application to Susan Trout?  
 18 A Not to my knowledge. No one in HR, the process is  
 19 owned in HR.  
 20 Q I'm on the page after that November 28, 2000 job  
 21 bid form, considerably back where you are.  
 22 A What's the number?  
 23 Q PTC0418, maybe two thirds of the way through  
 24 A Are they in number order? 0418 here it is.  
 25 Q a memorandum from you to Mr. McCool.

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- 1 A Yes  
 2 Q ? Commission Action. On November 2, 1999 the  
 3 Commission, Commissioners approved the following: your  
 4 request to post internally and if necessary advertise  
 5 externally for Communications Center Duty Officer  
 6 position as per your memorandum dated October 15, 1999.  
 7 If you contrast with this second item, your request to  
 8 post internally and advertise externally; what does the  
 9 internally post internally and if necessary advertise  
 10 externally, what's the significance of that?  
 11 A That's left up to the Department Head if they  
 12 wanna just only post it internally, they can; if they  
 13 wanna post internally and externally they have that  
 14 discretion.  
 15 Q At any, for any decision?  
 16 A No, only if it says that.  
 17 Q OK, now why, why would you state it in those  
 18 terms, request to post internally and if necessary to  
 19 advertise externally?  
 20 A Because for the second one you must post  
 21 internally and advertise externally. The first you  
 22 have the option.  
 23 Q OK, why.  
 24 A At the discretion of the DED  
 25 Q Why must the, the second one be done both ways?

SHEET 13 PAGE 49

1 A Because that's how you made application for it to  
2 the personnel committee. So you have to fulfill what  
3 you've requested.

4 Q OK, so is that to say that in the first request  
5 that that came in strictly as.

6 A That's take verbatim from the request to the  
7 personnel committee, yes.

8 Q OK

9 A That's how it goes to the Commission, and that's  
10 how the Commission approves the request; the same  
11 format as the personnel committee.

12 Q So you would, you would expect then to see, if we  
13 had the October 15, 1999 memorandum a request to post  
14 internally and I'm using this as a direct quote. This  
15 right here, if, if as you explained that's the way this  
16 worked out, the October 15, 1999 request would have  
17 stated that it was a quote, "request to post internally  
18 and, if necessary advertise externally etc. etc.". Is  
19 that, that would be contained within the request?

20 A That is how the request is made is how it appears  
21 then on this, on the memo that goes to the DED.

22 Q OK

23 A .to indicate approval for that particular request.

24 Q Now about four pages after that there's a and it  
25 might be in there upside down, there's an October or

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1 position that's to be filled, have you received  
2 recommended personnel that have had four recommended  
3 people for the position?

4 A Typically for one position we have three  
5 candidates.

6 Q Three recommended.

7 A recommended candidates

8 Q OK and this was.

9 A Have I gotten less than three, yes?

10 Q OK. And for the, the June 4, 1999 or the  
11 Communications Center Duty Officer position that's  
12 reflected on the June 4, 1999.

13 A Yes

14 Q .recommended personnel actions there were a total  
15 of five applicants interviewed, correct?

16 A Correct

17 Q But only two recommendations.

18 A Yes

19 Q .for two positions, right?

20 A Two applicants were recommended for this position.

21 Q Yes according to, according to your May 12, 1999  
22 memorandum this would be two app, two applicants, five  
23 interviews for three positions and only two applicants  
24 were recommended, correct?

25 A That's what the correspondence as for May 12,

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1 November 25, 1999 letter from Cindy Ann Ditz or Deitz,  
2 D-I-E-T-Z to you, saying I am writing to you regarding  
3 a phone call I received from "Joe" at the Turnpike  
4 Commission a few weeks ago. He called; called to  
5 inquire whether I was still interested in the  
6 Communications Duty Officer position I had applied for  
7 back in August. It says, and it continues on. Did you  
8 ever have any with Mr. McCool about, about Ms. Dietz,  
9 if that's the Joe to whom she refers?

10 A Not that I recall. Again we get a ton of  
11 candidates in any given year. No

12 Q And do you know, the, the first, for the first  
13 posting were Mr. Jumper and Mr. Wickard selected?

14 A I would have to go back and look at the ?

15 Q Well it's in the, the recommendation.

16 A Right

17 Q I don't know if I have.

18 A Right, the recommendation, if it's in there then

19 Q 0245

20 A If they were selected, they would be in a, a  
21 letter from me announcing the selection. Announcing  
22 the approval from the Commissioners that they were  
23 selected at the admin committee meeting.

24 Q OK. Is there any, any limitation on the number of  
25 applicants recommended? Meaning if there's one

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1 1999. There were three Communication Center Duty  
2 Officers positions at that time.

3 Q OK, now on PTC0245 there's a, an entry, the last  
4 line under recommended candidates in alphabetical order  
5 and it's justification for recommendation.

6 A What number is that again? I'm sorry.

7 Q 245, the second page of the June 4, 1999

8 A Wait a second, 245, I can't find it.

9 Q The page right after where you're beginning there.

10 A 742, 743.

11 Q Out of order?

12 A No, they are in order.

13 Q Back the other way. But hold 742 because I'm  
14 gonna be using that one.

15 A 0742? 06.

16 Q I'm sorry, again I tried to assemble these so.

17 MR. WEINBERG: 0245?

18 Q 0245, yes

19 A Sorry

20 Q That contains an expressed, an expressed no other  
21 candidates recommended. Is that; is that something  
22 that you routinely see in a recommended personnel  
23 action?

24 A Routinely, I can't answer that routinely, I don't  
25 know.

SHEET 14 PAGE 53

1 Q Cause then.  
 2 A No  
 3 Q .if you, if you flip back to.  
 4 A No  
 5 Q .if you flip back to 742, 743  
 6 A OK, 742, yes  
 7 Q .and this is the one that Harry William's name was  
 8 not on, three applicants were interviewed.  
 9 A Yes  
 10 Q .and the next page, 743 indicates three candidates  
 11 recommended and then do, do the numbers to the left, is  
 12 that the ranking?  
 13 A No, that is just, this was the candidate that was  
 14 selected, Diane Jordan.  
 15 Q Who, who's designation is the one, two and three?  
 16 A The administration committee members.  
 17 Q And who's the administration committee members?  
 18 A The executive committee which includes did you ask  
 19 me that question? Sorry.  
 20 Q Yes, who, who's the.  
 21 A Debbie Eberly, John Durbin and the DED's.  
 22 Q OK and is the one, two and three, is that to  
 23 reflect a ranking of this?  
 24 A No, no it reflects that if the person, first  
 25 person declines you go to the second person, second

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1 person declines, the third person.  
 2 Q And why, why do you have any understanding as to  
 3 why the, it went in that order?  
 4 A Because that's how the Department Head recommended  
 5 it and it was approved by the administration committee.  
 6 Q OK and do you know was there a selection made?  
 7 A I would have to go back and look at the letter  
 8 that was sent. I believe so.  
 9 Q I don't know if it's in there. Well do, do you  
 10 know Ms., Ms. Jordan, she was at some point hired by  
 11 the Turnpike Commission, correct?  
 12 A That's correct.  
 13 Q OK and the PTC0743, that, that's the one that  
 14 Harry Williams didn't appear on. That's signed by Joe  
 15 McCool. Is that his signature?  
 16 A It appears to be, yes.  
 17 Q OK and do you know why he would, he would be, he  
 18 would sign off on the recommended personnel action for  
 19 this Operation Center Duty Officer position, while Mr.  
 20 Sullivan would've signed off on the June 4, 1999  
 21 recommendation, recommended personnel action?  
 22 A No I don't know at the time.  
 23 Q Did you ever have any discussions with anybody  
 24 about excluding Harry Williams from the application  
 25 process for the July 27, 1999 posting?

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1 A No  
 2 Q If you, flip to, that's about halfway back,  
 3 PTC0764, it's another recommended personnel action date  
 4 January 24, 2000.  
 5 A 0764?  
 6 Q 0764, yes  
 7 A The one's in the back are 04, 0764.0763, OK  
 8 MR. WEINBERG: Do you need to take a break?  
 9 Q Need a break?  
 10 MR. WEINBERG: Yes, sure.  
 11 MS. DAVIS: I need a break thank you.  
 12 MR. OSTROWSKI: Wanna come back about 3:15 or  
 13 so?  
 14 TONY MARCECA: It's 3:04 p.m.; July 12th we  
 15 are taking a break.  
 16 TONY MARCECA: It's a, the date is 12 July  
 17 2002, the time is now 3:25 p.m. and we're resuming the  
 18 deposition of Ms. Geto Davis. Is that right? OK  
 19 MR. OSTROWSKI: OK, that break gave me the  
 20 opportunity to go pull out bulletin 65 which is the  
 21 Promotion Policy and Procedure for promoting employees.  
 22 This, is this the document that to which you refer, to  
 23 which you made reference earlier in your deposition?  
 24 MS. DAVIS: Yes  
 25 Q OK and is this a full and complete copy of

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1 bulletin, I think you call it Bulletin Number 65?  
 2 A There was an update and this doesn't reflect the  
 3 update.  
 4 Q OK and when was, when was there an update?  
 5 A I can't recall the exact date.  
 6 Q Do you know if it was before the 1999 selection  
 7 processes?  
 8 A Before?  
 9 Q Before  
 10 A No  
 11 Q You don't know if it was before or not?  
 12 A No, I don't think it was not.  
 13 Q OK, how was it, what was it, what did the update  
 14 cover?  
 15 A I'd have to read the whole thing.  
 16 Q OK, so it wasn't issued as a supplement? It was  
 17 issued.  
 18 A No  
 19 Q .as a new.  
 20 A Yes as a new, it's now not called Number 65 it's  
 21 called 2.7 or something.  
 22 Q OK as long as you're satisfied that this is the  
 23 procedure that was in place.  
 24 A That's, that's correct.  
 25 Q OK and do you know was it the procedure that was

SHEET 15 PAGE 57

1 in place for the 2000 posting, that, I think it was  
 2 November 2000?  
 3 A Yes  
 4 Q OK and do you have any recollections as to the  
 5 general, the general way that this was, this was  
 6 changed.  
 7 A Well it was modified. For example Number 2 under  
 8 definition, I think included Eastern Regional Office  
 9 and.  
 10 Q OK  
 11 A .and Western Regional Office, things like that.  
 12 There was some minor modifications.  
 13 Q OK. Now under the procedures on the second page,  
 14 Number 6; generally the DED or his or her designee will  
 15 interview all applicants whose applications have been  
 16 forwarded by HR and then it says, in the event and  
 17 unusually large number of applications are received the  
 18 Deputy Executive Director has the authority to reduce  
 19 the number of applications to be interviewed. What, is  
 20 there some criteria for determining what an  
 21 exceptionally large number of applicants?  
 22 A That's left up to the DED. I think I mentioned  
 23 that earlier.  
 24 Q OK, but short of there being an exceptionally  
 25 large number of applications, all applicants are

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1 interviewed; all, all qualified applicants are  
 2 interviewed? Is that correct?  
 3 A Generally  
 4 Q OK and then Number 7 it says, the Department  
 5 Manager and the respected DED will follow Commission  
 6 procedures in conducting interviews. What, what, what  
 7 does Commission procedures mean if this is, I mean it  
 8 appears to be referring to something other than  
 9 Bulletin 65?  
 10 A Well for example interviews will be conducted  
 11 using the same job related questions for applicants.  
 12 That's a requirement. A written summary will be made  
 13 of each interview. That's required. We have a  
 14 training class that is entitled Interviewing The Job  
 15 Applicant, which every, every person who is on the  
 16 panel needs to go through before they can be on the  
 17 panel to conduct the interviewing.  
 18 Q OK, then that's the Commission procedures?  
 19 A Yes  
 20 Q OK  
 21 A Yes  
 22 Q And then it says in the written summary will made  
 23 of each interview? Is there a document that's called  
 24 summary.  
 25 A No, this is it. It's on, it's on the, the

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1 recommended personnel actions and this is the summary.  
 2 Q OK  
 3 A Under the recommended candidates in alphabetical  
 4 order in the justification and recommendations. That's  
 5 where.  
 6 Q Right, but it doesn't you know, this, this appears  
 7 to suggest that every candidate who's interviewed there  
 8 will be a summary of that interview prepared and that  
 9 there could be other summaries of interviews that don't  
 10 appear on the recommendations?  
 11 A No  
 12 Q No?  
 13 A No, this is the summary is contained in this  
 14 section for each candidate who is moved forward to the  
 15 Administration Committee.  
 16 Q OK and when does each candidate move forward to  
 17 the Administration Committee?  
 18 A Whenever the DED concludes the selection process,  
 19 the interview process.  
 20 Q Well this, Number 7 appears to contemplate the  
 21 interview process before the promotion recommendation  
 22 is made. It says a summary for each interview, I mean  
 23 the way I read that is candidate one is interviewed,  
 24 there's a summary prepared?  
 25 A No

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1 Q Two days later candidate two is interviewed, a  
 2 summary prepared.  
 3 A Not to my knowledge.  
 4 Q OK. Now Number 9 on the, originally third page of  
 5 that document, the Department Manager subject to the  
 6 review and approval of the respected DED shall etc.  
 7 etc. present recommendations in the form of a short  
 8 written supporting statement.  
 9 A Yes  
 10 Q I read that as being the portion of the policy  
 11 that refers to which you were identifying under  
 12 recommended personnel actions.  
 13 A Yes  
 14 Q Is that; is that a fair reading of ?  
 15 A That's, this is, that's correct.  
 16 Q OK now with that being clarified is there  
 17 something, should, should we have documents somewhere  
 18 that are interview summaries?  
 19 A I can't.  
 20 Q I can I further ask you.  
 21 A I can't answer that, I, I, .  
 22 Q OK  
 23 A I don't, I don't know.  
 24 Q Well could possibly the, I believe these are all  
 25 to be done by written questions? Is that correct?

SHEET 16 PAGE 61

1 A Interviews will be conducted using the same job  
 2 related questions for all applicants.  
 3 Q OK is, would the notes under entries for written  
 4 questions would that qualify as a written summary in  
 5 your opinion?  
 6 A Where are you? Where are you referring to?  
 7 Q Well I'm referring to for example we looked at the  
 8 interview questions for Harry Williams.  
 9 A Yes  
 10 Q Would that, would that constitute or could that  
 11 qualify as a written summary of the interview?  
 12 A I can't answer that because I didn't develop that.  
 13 Q OK. Well you know, should I, should I be able to  
 14 have a document, document that is, references every  
 15 person interview and has somewhat of a summary of their  
 16 interview, whether or not they appeared on the file  
 17 recommendation?  
 18 A We'd have to go back and talk to the people that  
 19 conducted the interviews.  
 20 Q OK and at the point there was the one, and we  
 21 don't need to go and dig through it unless you want to,  
 22 there was the one known, I think it was the 19 or the  
 23 2000, 2001 selection where the candidates, there were  
 24 three recommendations made and then at the  
 25 administrative level or the committee level there was

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1 one, two and three the ordering done; does that  
 2 ordering, and I think you said that that ordering  
 3 doesn't reflect, doesn't necessarily reflect a ranking  
 4 of the candidates, is that?  
 5 A It is not a numerical ranking, that's correct.  
 6 Q OK, well how is that order decided upon and what  
 7 order to contact which applicant?  
 8 A That's done at the, at the selection process and  
 9 then brought forward to administration.  
 10 Q OK and in your understanding if that's not  
 11 technically a numerical ranking, is that an order of  
 12 preference of whoever's conducting that review process?  
 13 A Can you say that again an order of preference for  
 14 who?  
 15 Q For the, what is it the Administrative Committee  
 16 or the Personnel Committee?  
 17 A The Administration Committee  
 18 Q The Administration Committee?  
 19 A Yes  
 20 Q They review the recommended personnel action and  
 21 the.  
 22 A OK  
 23 Q .specifically the recommended candidates in  
 24 alphabetical order and the justifications for each  
 25 recommendation.

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1 A Yes  
 2 Q .and from that, I mean if there's three people  
 3 being selected.  
 4 A Each, each candidate is qualified for the position  
 5 that was recommended.  
 6 Q Right  
 7 A .OK and the first candidate is given this priority  
 8 and I give it to the first candidate and then if they  
 9 candidate it goes to the second and then it goes to the  
 10 third. But they're all qualified for the position.  
 11 Q OK and the first, second and third is that, what  
 12 do you understand the significance of that to be,  
 13 that's, other than it being the order in which the  
 14 persons are contacted? Is that some expression of  
 15 preference for the candidate who has the number one  
 16 next to their name?  
 17 A Well the candidate that was selected was, in this  
 18 one, it happens, so happens PTC073, 0743 right before  
 19 me and that was Dianne Jordan. She was the candidate  
 20 selected for this position. Then the question is  
 21 should she decline, the second candidate was, would be  
 22 Cindy Dietz and the third was Dan Kretzman.  
 23 Q Yes and, and I.  
 24 A .for this particular position.  
 25 Q .I'm just trying to understand if there's any

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1 significance to that order. You know why, why would a  
 2 Diane Jordan be contacted first other than if it was  
 3 someone's review of the interview summary in saying  
 4 well she looks like the person I'd like to have working  
 5 for us and if not heard than Ms. Dietz is.  
 6 A Well if you read the summary with a total of 20  
 7 years experience culminating as a coordinator of  
 8 emergency services in Snyder County. She provides a  
 9 wealth of experience virtually then like a Duty  
 10 Officers responsibility so she was selected as the  
 11 candidate for this position.  
 12 Q OK and, and.  
 13 A Perhaps in the person making that decision or  
 14 interviewing this is the person that they wanted it for  
 15 the position being all the qualifications are equal in  
 16 these three.  
 17 Q OK. Were you at all involved in the, the creation  
 18 of this recommended personnel action form as a form  
 19 that's used?  
 20 A Yes  
 21 Q OK is this your creation?  
 22 A Yes  
 23 Q Why, why did you recommend or put the recommended  
 24 candidates in alphabetical order? I mean why was that  
 25 included as opposed to giving this whoever's filling

SHEET 17 PAGE 65

1 out the recommended personnel action the authority to  
 2 rank the candidates?  
 3 A I believe it was dictated by Policy Letter 65.  
 4 Let me think. We did this so long ago. That may be  
 5 one of the things that was changed in the 2.7. I'd,  
 6 I'd have to look.  
 7 Q Ok, but.  
 8 A I don't recall at this moment in time why it was  
 9 done. I thought it was done in conjunction with Policy  
 10 Letter 65, 2.7.  
 11 Q Well.  
 12 A 2.7  
 13 Q .and, and I'll suggest something to you and if  
 14 it's consistent with what your thinking was and  
 15 refreshes.  
 16 A Yes  
 17 Q .your recollection and you affirm or disaffirm it,  
 18 that, the reason that you decided that candidates  
 19 should be listed in alphabetical order is to leave all  
 20 the decision making authority to the Administration  
 21 Committee as opposed to allowing the Interview  
 22 Committee to rank the candidates?  
 23 A No the decision comes forward from the interview  
 24 and from the panel. They make the recommendation to  
 25 the Administration Committee.

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1 Q OK  
 2 A I mean they're in alphabetical order because  
 3 they're all qualified for candidates for this position.  
 4 Q Right and if it wasn't alphabetical wouldn't it  
 5 appear that it would list them in order of their  
 6 preference or their ranking instead of just some firm  
 7 criteria such as alphabetical?  
 8 A I, I don't know. I can't answer that right now.  
 9 TONY MARCECA: It's 3:40; we're going to suspend.  
 10 TONY MARCECA: It's 3:41, we're back on.  
 11 MR. OSTROWSKI: OK now with reference to  
 12 PTC0245 which is the recommended personnel action for  
 13 the Duty Officer, June 14, 1999 Duty Officer selection.  
 14 The recommended candidates were Fred Jumper and Dale  
 15 Wickard.  
 16 MS. DAVIS: 0244?  
 17 Q Yes, and then the next page.  
 18 A Yes  
 19 Q Now had, had Harry Williams, Harry Williams was  
 20 qualified, correct?  
 21 A If it's out on .  
 22 Q We already determined that, yes.  
 23 A .on the, on the, on the Promotion, on the  
 24 Promotion Application Log.  
 25 Q .OK and it is. But had, had the interview the

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1 selection committee or responsible person for this  
 2 selection rather than indicating no other candidates  
 3 recommended, recommended a third candidate and that  
 4 candidate was Harry Williams, his name would've been  
 5 listed last, correct?  
 6 A If it's strict alphabetical order, yes.  
 7 Q Yes and then once, once the candidates are listed  
 8 then the discretion as to which candidate to select is  
 9 out of the DED and Office Director's hands?  
 10 A Right, say that again.  
 11 Q Once, once the recommended personnel action, you  
 12 know the recommended candidates are placed on this form  
 13 sent to you it is effectively the actual identification  
 14 of the person to fill the position is out of DED and  
 15 the Department Head's hands, correct?  
 16 A Well the DED comes to the Administration Committee  
 17 prepared to let the Admin Committee know who is  
 18 selected from the recommended candidates. He moves the  
 19 selected person forward as a result of the interview  
 20 process.  
 21 Q Well, well where is that referenced? Where is  
 22 that indicated? Cause my understanding before was that  
 23 process was such that the June 4, 1999.  
 24 A Right  
 25 Q .personnel action was prepared.

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1 A Yes  
 2 Q .came to you.  
 3 A Yes  
 4 Q .you review it, OK or whatever you do and.  
 5 A I put it on the agenda.  
 6 Q .and you put it on the Admin.  
 7 A .That's correct.  
 8 Q .istration Committee agenda.  
 9 A That's correct.  
 10 Q Then I understood that the Administration  
 11 Committee takes up the issue of which of these  
 12 candidates to select?  
 13 A The, this comes before the Administration  
 14 Committee. The DED on behalf of the Department says  
 15 the Duty Officer position for this, he goes through the  
 16 whole two pages and says, for this position it's Joann  
 17 Gitto Davis.  
 18 Q OK  
 19 A He recommends it to the Administration Committee.  
 20 Q And the Administration Committee approves or  
 21 disapproves?  
 22 A For the most part, yes.  
 23 Q OK, OK and is that always the DED that performs  
 24 that function?  
 25 A Correct

SHEET 18 PAGE 69

- 1 Q So it's not.  
 2 A In the absence of the DED, the Department Head  
 3 will come in and make the presentation.  
 4 Q OK  
 5 A I do not.  
 6 Q OK, so unless, now in, in this, in this situation  
 7 if Mr. Martino was not present, who would've appeared  
 8 before the Administration Committee?  
 9 A Whoever signed this form.  
 10 Q That's Joe Sullivan Operations Head of Manager?  
 11 A Or, or John Martino would've come in for this one.  
 12 Q Right, the Department Head is Joe McCool, right?  
 13 A Yes  
 14 Q Why would he not have been called in to do that?  
 15 A I mean he may have been called in to do that, but  
 16 typically the person who signs it, I would have to  
 17 check my agenda to see who came in for that particular  
 18 job. Off the top of my head, I don't know.  
 19 Q You, have those agenda and minutes?  
 20 A They're not minutes. It's just an agenda listing  
 21 what went on.  
 22 Q If, if you could put your fingers on that and  
 23 forward it tomorrow I would appreciate that.  
 24 A Yes, not a problem.  
 25 Q And any other, anything else that you might have.

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- 1 A There's nothing else.  
 2 Q .I'll take that. OK.  
 3 A I prepare the agenda.  
 4 MR. WEINBERG: That's the agenda for the Fred  
 5 Jumper, and Wickard promotion?  
 6 MR. OSTROWSKI: Yes, and for all the  
 7 promotions. That would be the September. Now two  
 8 pages, the 742.  
 9 MS. DAVIS: Yes  
 10 Q .it references three applicants interviewed and  
 11 three applicants recommended, correct?  
 12 A Yes  
 13 Q And that's for one position, correct?  
 14 A Correct  
 15 Q And I believe, I've got my copying sideways, do  
 16 you, after, I don't if I just screwed up one copy or if  
 17 I got 'em, all.  
 18 A What number?  
 19 Q .I can probably, let me look at that and I'll be  
 20 able to get to it a lot quicker. PTC428.  
 21 A Yes  
 22 Q Do you have some copied sideways in there? Or is  
 23 it just mine? I think you have the same problem there.  
 24 Yes, not that one. Could you show, would you mind  
 25 showing Marv what your referring to there.

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- 1 A 0428?  
 2 Q Yes, I, sorry I messed up some of the copies.  
 3 MR. WEINBERG: 0428  
 4 MR. OSTROWSKI: Which I think is copied  
 5 sideways in your packet and therefore doesn't, doesn't  
 6 appear as it appears there.  
 7 MR. WEINBERG: That's not what we provided to  
 8 you, that's what you copied, right?  
 9 MR. OSTROWSKI: That's what I copied. That's  
 10 what you provided.  
 11 MR. WEINBERG: OK  
 12 MR. OSTROWSKI: Yes  
 13 MR. WEINBERG: I'll just look along on this  
 14 for a minute, that's fine.  
 15 MR. OSTROWSKI: OK  
 16 MR. WEINBERG: This is not the same thing, no.  
 17 MS. DAVIS: No  
 18 MR. OSTROWSKI: No  
 19 MS. DAVIS: This is log.  
 20 MR. OSTROWSKI: I don't know if you can find  
 21 the same thing.  
 22 MR. WEINBERG: You, you don't think it's in  
 23 this packet?  
 24 MR. OSTROWSKI: I think it is, but I just  
 25 think it's askew, cause I, actually I do have it, I do

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- 1 have it here but it's, you can't really make out  
 2 anything on it. That's it right there.  
 3 MR. WEINBERG: 0428  
 4 MR. OSTROWSKI: That's 0428, yes.  
 5 MR. WEINBERG: OK, go ahead.  
 6 MR. OSTROWSKI: OK, now that also reflects  
 7 that four candidates were interviewed, correct?  
 8 MS. DAVIS: Four candidates were interviewed, yes.  
 9 Q And then four recommendations were submitted,  
 10 correct?  
 11 A It looks like, that's correct.  
 12 Q OK and if you flip to the next page you'll see  
 13 that there are four names under the .  
 14 A Yes  
 15 Q .and that was, that was for one position, correct?  
 16 A I'd have to go back and, and look and see what the  
 17 application was for the personnel committee for this  
 18 particular job posting. January 24, 2000, but that  
 19 wasn't one of the jobs that was posted. That job was  
 20 posted '99. It appears that there were two positions at  
 21 this point and time.  
 22 Q But in the, are you at the, early 2000?  
 23 A January 24, 2000  
 24 Q Now where, where does it indicate to you that  
 25 there were two positions available?

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- 1 A Well I asked where the job with the personnel  
 2 committee, where the application is to the Personnel  
 3 Committee. I would need to look at that one.  
 4 Q OK  
 5 A This is 12 of '99, 6/2000. It appears it's only one  
 6 position.  
 7 Q OK  
 8 A From my January 6th correspondence to Greg  
 9 Richards. He was the DED at the time. Or is still the  
 10 DED.  
 11 Q And, and there were four applicants recommended?  
 12 And all four were interviewed?  
 13 A It appears that, yes.  
 14 Q OK  
 15 A Yes  
 16 Q Then in the, in the June 4th of '99 way back to  
 17 the beginning of the 244. Do you see if you see it?  
 18 A Which, which PTC number was that?  
 19 Q The 244.  
 20 A O244, OK  
 21 Q OK you had the total applicants...  
 22 A Yes  
 23 Q .and five interviews, correct?  
 24 A Yes  
 25 Q So would it be fair to say that based on the

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- 1 Bulletin Number 65 the DED or responsible official had  
 2 exercised his authority to reduce the number of  
 3 applicants to be interviewed?  
 4 A I mean I can't answer for the DED.  
 5 Q OK, but that would, that would, that would be  
 6 consistent with what the policy provides, correct?  
 7 A That's what the policy states.  
 8 Q OK and those five applicants were interviewed for  
 9 three positions, correct?  
 10 A Let me go back to it. Four applicants were  
 11 interviewed. Which number are we on?  
 12 Q Well here's, here's.  
 13 A Which one are we on?  
 14 Q Well, I'm not on anything right now except this  
 15 that I'll show you. This is a document marked as  
 16 Exhibit 3 with a vacancy notice dated 4/23/99. At the  
 17 bottom of the notice it says this vacancy notice is  
 18 amended to include an additional Communications Center  
 19 Duty Officer position. A total of three positions are  
 20 available.  
 21 A Yes  
 22 Q .and you, do you recognize this as being the, the  
 23 vacancy notice for this position?  
 24 A Yes  
 25 Q So there were indeed three positions that were

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- 1 posted and available?  
 2 A This is at 4/23/99.  
 3 Q Right  
 4 A .for that vacancy notice all the way dating back  
 5 to the first posting?  
 6 Q Right, right, and then, so, and then there were,  
 7 there were five interviews conducted for those three  
 8 positions, correct?  
 9 A Which, which, which are you referring?  
 10 Q The June 4, 1999.  
 11 A OK, OK, make sure we have this right. There were  
 12 five interviews for, well there were three actual  
 13 vacancies but it doesn't mean that there were three  
 14 vacancies, I mean three candidates they were going to  
 15 select at this posting.  
 16 Q Well, why would you put that on the posting?  
 17 A Because they have three vacancies.  
 18 Q Well is there any reason any information that you  
 19 have, you know be based on personal conversations that  
 20 you had with anybody or documentation or whatever to  
 21 suggest that this vacancy notice, this amended vacancy  
 22 notice went out with three positions available with the  
 23 intention of only filling two positions?  
 24 A At the time the DED made a decision only to fill  
 25 two.

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- 1 Q OK  
 2 A I mean that's his decision not mine. I mean it  
 3 was approved for three at the time for the Personnel  
 4 Committee, but he has the, he has the discretion to say  
 5 I want to fill one, two or three.  
 6 Q OK and of the five applicants interviewed based on  
 7 your understanding or your review of this information,  
 8 do you understand that Harry Williams to have been one  
 9 of those persons interviewed?  
 10 A I would not know that.  
 11 Q OK, do you know that though?  
 12 A I don't know that, no.  
 13 Q OK  
 14 A I don't get involved, in the interview or  
 15 selection process.  
 16 Q I'm going to suggest something to you based on  
 17 some inferences that, that I think are reasonable to  
 18 draw based on this information and ask you if you've  
 19 ever had a discussion of this nature with anybody or if  
 20 my, or if indeed what I'm inferring is correct, OK?  
 21 Three positions are posted in April of 1999, Harry  
 22 Williams is among the qualified applicants for the  
 23 position, Joe McCool doesn't want Harry Williams to  
 24 have a position, so.  
 25 MR. WEINBERG: Now I'm gonna object to the

SHEET 20 PAGE 77

1 form of these questions..

2 MR. OSTROWSKI: Yes, and actually, I, if I  
3 can break it down, I think it's an appropriate question  
4 but I think I was getting to cumbersome with it. Well  
5 do you know if, if Joe McCool designated Joe Sullivan  
6 to be responsible for the June 4, 1999 process to  
7 insulate himself to, to create the appearance he wasn't  
8 involved in, in not selecting Harry Williams?

9 MS. DAVIS: I wouldn't know that.

10 Q And do you know if only two people were  
11 recommended for the positions because if any more were  
12 recommended Harry William's name would've been on the  
13 list and would've had to had one of those positions?

14 A I don't know that either.

15 Q And did the, did the position that was posted in  
16 July 1999 was that the same position, the third  
17 position that was vacant in, on April 23, 1999?

18 A Say that again.

19 Q The position that was posted July 27, 1999.

20 A July 27, 1999

21 Q .do you recall that? Was that the same vacancy  
22 that existed that was the third position that was  
23 vacant on April 23, 1999?

24 A If that was the second time it was posted, yes.

25 Q OK and were any decisions made to exclude Harry

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1 Williams from the applicant pool on the July 27, 1999  
2 posting?

3 A By whom?

4 Q By anyone that you're aware of?

5 A Not to my knowledge.

6 Q OK

7 A No

8 Q And then Joe McCool was the, the signa, signatory  
9 for the September 20, 1999 selection decision, correct?

10 A If that's what's documented on this form, that's  
11 correct.

12 Q OK

13 A Yes

14 Q Do you know who, who's Dennis Genevie, G-E-N-E-V-I-  
15 E? Is that how you pronounce that?

16 A Yes, he's our Director of Risk Management.

17 Q OK, I don't have any questions about that.

18 TONY MARCECA: Could I change tapes?

19 MR. OSTROWSKI: Sure

20 TONY MARCECA: It's 3:59, July 12, 2002.

21 We're gonna suspend to change tapes.

22 TONY MARCECA: It's now 4:00 p.m. July 12th.

23 We're continuing the deposition of Geto Davis.

24 MR. OSTROWSKI: Now way toward the back of  
25 this stack, Document Number 507, 508 and 509.

PAGE 79

1 MS. DAVIS: Yes

2 Q .this is the January 17, 2001 recommended  
3 personnel action for the, I think it was December 15,  
4 or December 11, 2000 posting.

5 A Yes

6 Q .correct?

7 A Yes

8 Q And actually if you flip to the page before, 507  
9 it's PTC0498.

10 A Yes

11 Q .and Harry Williams appears as the one of the  
12 qualified applicants for that position, correct?

13 A Correct

14 Q OK, then according to 507.

15 A Yes

16 Q .there were two interviews for the position.

17 A Yes

18 Q .three qualified applicants, right and two  
19 interviews?

20 A Yes

21 Q Actually two qualified applicants and two  
22 interviews?

23 A Two interviews and two qualified applicants, one  
24 internal and one external.

25 Q OK, so that is, the January 17, 2001 recommended

PAGE 80

1 personnel action is incorrect insofar as it lists only  
2 two qualified applicants, correct because the Promotion  
3 Application Log reflects three qualified applicants?

4 A No because like I said the DED or Department Head  
5 can make a decision not to qualify someone on the basis  
6 of they don't feel they're, they should be moved  
7 forward for the interview.

8 Q OK, so a decision could've been made there to, to  
9 take the list of three qualified applicants and reduce  
10 it to two?

11 A Well and also, well go ahead.

12 Q And then, and then it appears that the two  
13 applicants that were qualified were interviewed,  
14 correct?

15 A Let me look again; one external, one internal,  
16 yes. That's what it says, one external and one  
17 internal.

18 Q And Todd, Todd Lease, is it Leese or Lice?

19 A I don't know, L-E-I-S-S.

20 Q L-E-I-S-S, he was actually recommended for the  
21 position, correct?

22 A Correct

23 Q And did he, did he take the position?

24 A Again, my letter would indicate that.

25 Q OK and he was, he was an internally, an internal

SHEET 21 PAGE 81

- 1 qualified applicant, correct?
- 2 A Well according to this Application Log he was a
- 3 radio operator in the Control Center.
- 4 Q Right, so that would be an in.
- 5 A He's an internal candidate.
- 6 Q OK
- 7 A Richard Fleck, who was also qualified, was the
- 8 external candidate.
- 9 Q And if Mr. Williams had been interviewed he
- 10 would've been, would've been as an internal, correct?
- 11 A Well he is already designated as an internal,
- 12 without being interviewed.
- 13 Q Well then the next page 0507 just reflects one
- 14 internal applicant interviewed?
- 15 A Interviewed?
- 16 Q Yes
- 17 A But, number of applicants is two internal, three
- 18 external.
- 19 Q So somewhere.
- 20 A He's included in the internal applicant pool.
- 21 Q .but when it left your office, when it left your
- 22 office Harry Williams was qualified, correct?
- 23 A When it left my office, Harry Williams was
- 24 considered qualified.
- 25 Q OK and by the time the recommendation came around.

PAGE 82

- 1 A Right
- 2 Q .Harry Williams was not qualified?
- 3 A As reflected on the personnel actions, recommended
- 4 personnel action form.
- 5 Q OK and who's Joe Grisfoli?
- 6 A He's our safety, Manager of Safety.
- 7 Q And then who's Dan, Dan Bretzman?
- 8 A He is the Operations Center, Center Manager.
- 9 Q And when was Dan Bretzman hired?
- 10 A I guess maybe early, in 2000 I believe, sometime.
- 11 Q And wasn't, wasn't he the one hired as a result,
- 12 did he get hired as a Duty, Communications Center Duty
- 13 Officer and promoted to Operations Center Manager in
- 14 the same year?
- 15 A I believe so.
- 16 Q OK and who was the Director of the Communications,
- 17 of the, the Safety Department in January 2001?
- 18 A Well, Joe Grisgoli was Safety Manager I believe
- 19 then.
- 20 Q Ok Mr. McCool, when did Mr. McCool leave?
- 21 A I, I can't recall at this moment.
- 22 Q Now the signature page of the Recommended
- 23 Personnel Action.
- 24 A Yes
- 25 Q .that should be the last page of the packet, 0509.

PAGE 83

- 1 A Yes
- 2 Q .well DED of Customer Service under signature
- 3 title, what's, what is that?
- 4 A Well, it is, his name is Greg Richards and he's
- 5 the DED of Customer Service.
- 6 Q But why, why wasn't there another person who
- 7 signed this?
- 8 A You'd have to ask him, I mean he has the ultimate
- 9 say, so he's the DED he can be the only signature on
- 10 that if he wants to be. And also he was fairly new at
- 11 the time so perhaps, I don't know, I can't answer that,
- 12 I mean, you have to ask him. I'm speculating.
- 13 Q OK. Do you know why Mr. McCool left the Turnpike?
- 14 A Do I know why he left? No
- 15 Q Have you had any discussions with anybody about
- 16 the circumstances under which left the Turnpike
- 17 Commission?
- 18 A Any discussions such as, I mean, could you be more
- 19 specific?
- 20 Q Well, I, I can't, you know cause I wanna know
- 21 everything you know about the reasons Joe McCool left
- 22 the Turnpike based upon any discussions.
- 23 A I, I can't.
- 24 Q .with anybody other your Counsel.
- 25 A I, I can't recall at this time.

PAGE 84

- 1 Q You're the Director of Human Resources?
- 2 A Yes
- 3 Q You have no recollection of why Joe McCool left
- 4 the Turnpike?
- 5 A He got another job maybe, I don't know.
- 6 Q OK. That's all I have.
- 7 MR. WEINBERG: How many employees does the
- 8 Turnpike have, Joanne?
- 9 MS. DAVIS: In excess of 2400.
- 10 Q And in any one-year how many employees leave the
- 11 Turnpike either through termination or quitting? Do
- 12 you know?
- 13 A Oh my, I don't know.
- 14 Q 100, 200?
- 15 A At least, at least
- 16 Q With respect to Policy Letter 65.
- 17 A Yes
- 18 Q .it states; this is Exhibit 3, Exhibit 2, it
- 19 states under procedures E4; HR will review all the
- 20 applicants to determine which applicants meet the
- 21 minimum educational experience in training requirements
- 22 for the position.
- 23 A Yes
- 24 Q Do you see that sentence?
- 25 A Yes

SHEET 22 PAGE 85

1 Q When Mr. Williams was qualified for the position  
2 for Duty Officer, is this the paragraph that would've  
3 been applicable? Is this the sentence that would've  
4 been applicable, minimum?

5 A Minimum education experience and training  
6 requirements for this position, correct.

7 Q Correct. Are there other factors that go into  
8 that in getting the position, beyond that, beyond the  
9 minimum?

10 A This, this particular position? I mean there,  
11 there can be; tests that are required to take in  
12 certain positions like Supplemental Toll Collectors, I  
13 mean they could be minimum and they have to go through  
14 training or testing before they can be actually put on  
15 to the. I mean hired at the Commission.

16 Q Thank you.

17 MR. OSTROWSKI: Let me just follow up. That  
18 reminded me of one thing I neglected to ask you on,  
19 with respect to Exhibit 2. The last item, item 13.

20 MS. DAVIS: Yes

21 Q .indicates that the Director of Human Resources  
22 will develop standardized procedures to implement this  
23 policy. And this certainly came out during tenure,  
24 correct?

25 A Yes

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1 Q What, what standardized procedures to implement  
2 this policy have you developed?

3 A The procedures for Salary and Administration.

4 Q What does that mean?

5 A Well I have guidelines that were developed for  
6 other salary, the Administration Committee.

7 Q Did, are the, the guidelines specifically address  
8 policy and procedure for promoting employees?

9 A Well it's in conjunction with Policy Letter 65 but  
10 I have guidelines that were developed for Policy Letter  
11 65.

12 Q OK what, how does, does an employee have the  
13 ability to challenge the qualifications of the  
14 interviewers?

15 A Say that again, does the.

16 Q If, if, if an.

17 TONY MARCECA: Can you restate that and I'll  
18 flip the tape sir?

19 MR. OSTROWSKI: Sure. If, if an applicant or  
20 an interviewee comes into an interview.

21 MS. DAVIS: Yes

22 Q .and sees a panel of people who he or she thinks  
23 have no business being on such a panel, does that  
24 person have an ability to question the qualifications  
25 of, of the panel?

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1 A The qualifications of the panel?

2 Q Yes, or yes the qualifications or ability to serve  
3 on the panel.

4 A It has never been done.

5 Q OK and back to the policy, did, what did you, the  
6 salary, what was it that you accomplished; the policy  
7 that you implemented to or you developed to implement  
8 Policy Letter 65?

9 A The, the guidelines for the salary and  
10 administration program; how we set salaries and things  
11 like, and things like that, the compensation procedure,  
12 internal compensation procedure?

13 Q OK does that, does that relate specifically to  
14 promotions or is that just a general salary procedure?

15 A Well it relates to promotions, I mean how we  
16 develop them, salaries.

17 Q I'm sorry.

18 A .salary, just procedures how we have guidelines to  
19 develop salaries. We just.

20 Q OK are there any additional guidelines that  
21 address things like interviewing candidates for  
22 promotion, conducting this.

23 A We have a training class that all Supervisors,  
24 Department Heads, Directors, DED's go to before they  
25 can be on the panel to interview candidates.

PAGE 88

1 Q Is there written documentation that governs that  
2 training?

3 A There's a procedure manual or there's a manual or  
4 handouts that are given during the training.

5 Q If you have those, if you can also get those to  
6 Mr. Weinberg, I'd appreciate that.

7 A It's very general, that interview.

8 Q Does it talk about the, the ranking, or the you  
9 know the form, the recommendation forms and things of  
10 that nature?

11 A I believe so.

12 Q OK

13 A Yes, but general.

14 Q OK anything else in writing that governs the  
15 promotion process?

16 A No

17 Q And were you aware at any point of there being a  
18 typing test for the position of Communications Center  
19 Duty Officer?

20 A Yes

21 Q OK, when was that implemented?

22 A I seem to recall that it was after Dan Bretzman  
23 became the Manager of that Department.

24 Q Do you have any.

25 A I don't know the timeframe.

SHEET 23 PAGE 89

- 1 Q .were you at all involved in, in discussions  
 2 concerning that matter?  
 3 A If, I believe that it's part in parcel of the job  
 4 requirements on the vacancy notice that they have to  
 5 type 35 or so or 40 words a minute.  
 6 Q OK and how, how is that, that to be demonstrated  
 7 by the applicant?  
 8 A Well an applicant will have to take a test.  
 9 Q OK and would you expect that if one applicant had  
 10 to take a test, all applicants had to take the test?  
 11 A Well no it depends on an applicant had just taken  
 12 a test for a different position we could use that  
 13 testing. I don't do the testing. Someone in training  
 14 does the testing.  
 15 Q OK. Is that testing done before or after the  
 16 Promotion Application Log is prepared?  
 17 A After, after it leaves my office. I don't do the  
 18 testing for it. A Department Head would request the  
 19 testing to be done.  
 20 Q So if someone's name appeared on a Promotion  
 21 Application Log.  
 22 A Right  
 23 Q .and that person later was not recognized as an  
 24 internally qualified applicant.  
 25 A Yes

PAGE 90

- 1 Q .one of the reasons for disqualification could be  
 2 the taking of the typing test and not passing it,  
 3 correct?  
 4 A That's correct because I look at the job  
 5 descriptions has the minimum education, whatever, so I  
 6 would say that person's qualified. Now the vacancy  
 7 notice has 35 words a minute and that was posted, that  
 8 would be up to the Department Head to test for, to, to,  
 9 to ask for a typing test.  
 10 Q OK and would you expect if one person is subjected  
 11 to that requirement of 35 words a minute that each of  
 12 the applicants should also be subjected to that  
 13 requirement?  
 14 A Had they not previously taken the test?  
 15 Q Right  
 16 A Or could demonstrate that they have a typing test  
 17 that exceeds 35 words a minute.  
 18 Q Did you have any discussions about the taking of  
 19 the typing test specifically with reference to Harry  
 20 William's selection to the position of.  
 21 A No  
 22 Q .Duty Officer? No. Do you know whether, whether  
 23 Todd Liese took a typing test?  
 24 A Do I know? No, I, I don't know. But he would've  
 25 had to if he, or had had a previous test on file

PAGE 91

- 1 because he was selected for the position.  
 2 Q OK, that's all the questions I have.  
 3 A OK  
 4 Q Thank you.  
 5 A Yes  
 6 MR. WEINBERG: No questions.  
 7 TONY MARCECA: Is that it?  
 8 MR. OSTROWSKI: Yes  
 9 TONY MARCECA: It is July 12, 2002 the time  
 10 is 4:15 p.m. this deposition is now concluded.

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY, PENNSYLVANIA

HARRY E. WILLIAMS, JR. )

Plaintiff )

vs. )

NO. 1:CV-01-0877

PENNSYLVANIA TURNPIKE )  
COMMISSION, )

Defendant )

ORIGINAL

DEPOSITIONS OF: GREGORY RICHARDS

DATE: JULY 18, 2002

APPEARANCES:

Andrew Ostrowksi Esquire  
Bailey Stretton & Ostrowski  
4311 N. 6<sup>th</sup> Street  
Harrisburg, Pa 17110

Marvin Weinberg  
2000 Market Street  
Tenth Floor  
Philadelphia, PA 19102

Heather Sharp  
Counsel for Turnpike Commission

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 1 PAGE 1

1 VIDEO REPORTER: Please be  
 2 advised that video and audio are in  
 3 operation. Today's date is July  
 4 18th. The time now is 1:25 p.m. My  
 5 name is Albert Rodriquez. My  
 6 address is 4146 Spruce Park,  
 7 Lebanon, Pennsylvania 17046. I  
 8 have been hired by P.R. Video to do  
 9 this deposition for the Plaintiff.  
 10 This case in the United States  
 11 Middle District for the District of  
 12 Pennsylvania. It is docketed at  
 13 number 1 V-01-0877. The caption is  
 14 Harry E. Williams versus the  
 15 Pennsylvania Turnpike Commission.  
 16 The deponnee is Gregory Richards.  
 17 Mr. Richards, would you please  
 18 raise your right hand? Do you  
 19 understand that this is legal  
 20 proceeding and do you swear to  
 21 truthfully answer the questions  
 22 asked of you?  
 23 MR. RICHARDS: I do.  
 24 VIDEO REPORTER: Would  
 25 counsel please identify themselves

PAGE 2

1 and provide their address and phone  
 2 number for the record.  
 3 OSTROWSKI: Andrew Ostrowski, 4311  
 4 North Sixth Street, Harrisburg,  
 5 Pennsylvania 17110. Counsel for  
 6 Plaintiff.  
 7 ATTORNEY WEINBERG: Counsel for  
 8 Turnpike, Marvin Weinberg, 2000  
 9 Market Street, Tenth Floor,  
 10 Philadelphia, Pennsylvania 19103.  
 11 ATTORNEY SHARP: Heather Sharp,  
 12 counsel for the Pennsylvania  
 13 Turnpike Commission, P.O. Box  
 14 67976, Harrisburg, Pennsylvania  
 15 17106.  
 16 ATTORNEY WEINBERG: The usual  
 17 stipulations.  
 18 CROSS EXAMINATION OF ATTORNEY  
 19 OSTROWSKI:  
 20 Q: Mr. Richards, My  
 21 name is Andy Ostrowski, I am  
 22 counsel for Harry Williams, who has  
 23 a lawsuit against the Pennsylvania  
 24 Turnpike Commission arising out of  
 25 some employment related matters.

PAGE 3

1 Do you understand that you are here  
 2 today to give a deposition in  
 3 connection with that matter?  
 4 A: I do.  
 5 Q: Are you a racist?  
 6 A: I don't believe so.  
 7 Q: Do you dislike  
 8 blacks?  
 9 A: I don't think about  
 10 it.  
 11 Q: Who is your  
 12 immediate supervisor?  
 13 A: Deborah Averly.  
 14 Q: What is her  
 15 position?  
 16 A: She is the Associate  
 17 Executive Director of the Turnpike.  
 18 Q: Is she a racist?  
 19 A: I don't believe so.  
 20 Q: Is John Durman a  
 21 racist?  
 22 A: I don't believe so.  
 23 Q: Did you ever hear  
 24 John Durman say nigger?  
 25 A: No I haven't.

PAGE 4

1 Q: Do you ever use that  
 2 word?  
 3 A: No I don't.  
 4 Q: How long have you  
 5 been with the Turnpike Commission.  
 6 A: Since September of  
 7 1999.  
 8 Q: Okay, prior to that  
 9 where did you work?  
 10 A: I worked a year for  
 11 myself as a consultant.  
 12 Q: A consultant for?  
 13 A: I consulted to  
 14 various companies on selling  
 15 techniques, it was expertise.  
 16 Q: Prior to that what  
 17 was your employment?  
 18 A: I was with AMP,  
 19 Inc., a company in Harrisburg.  
 20 Q: How long were you  
 21 with AMP?  
 22 A: Oh, on and off for  
 23 27 years.  
 24 Q: Why did you leave  
 25 AMP?

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## VIDEO DEPOSITION OF GREGORY RICHARDS

SHEET 2 PAGE 5

1 A: I voluntarily early  
2 retired.  
3 Q: Around the time when  
4 they were being sold to TYCO?  
5 A: Right before.  
6 Q: And why did you get  
7 out of the consulting?  
8 A: Because I  
9 interviewed for this job and I was  
10 found to be the best candidate and  
11 I accepted it.  
12 Q: And what is your  
13 current position?  
14 A: I am the Deputy  
15 Executive Director of Customer  
16 Service.  
17 Q: And has that been  
18 the same title since you have been  
19 with the Turnpike Commission?  
20 A: It has.  
21 Q: Deputy Executive  
22 Director for Customer Service?  
23 A: Yes.  
24 Q: How is the Customer  
25 Service Department set up? Meaning

PAGE 6

1 who are your immediate  
2 subordinates? By position?  
3 A: I have seven direct  
4 reports, ah, six direct reports and  
5 one indirect. The direct reports  
6 are the Director of Customer  
7 Satisfaction and Public Relations.  
8 That's one person. The Director of  
9 Incident Management and Operations.  
10 That's another. Director of Fare  
11 Collection. Director of Property  
12 Management. Director of Electronic  
13 Toll Collection and my Secretary.  
14 They are my direct reports. The  
15 indirect is the Commander of Troop  
16 T Pennsylvania State Police, who  
17 reports through me, but not to me.  
18 Q: What was your first  
19 effective day of employment?  
20 A: I couldn't swear; I  
21 think it was like September 5th.  
22 Q: Maybe I shouldn't  
23 say your first effective day.  
24 A: It was the first  
25 week of September of 1999.

PAGE 7

1 Q: Was Joe McCool  
2 employed with the Pennsylvania  
3 Turnpike Commission when you  
4 started?  
5 A: He was.  
6 Q: And I had seen a  
7 note here that referred to him as  
8 Director of Safety and Operations?  
9 A: He was.  
10 Q: Is that the same as  
11 Incidents in Operations?  
12 A: It has been changed  
13 to reflect Incidents and  
14 Operations.  
15 Q: When did that change  
16 occur?  
17 A: March of 2001, I  
18 believe it was effective.  
19 Q: Okay and at that  
20 point he was gone from the  
21 Pennsylvania Turnpike Commission?  
22 A: He was gone, yes.  
23 Q: How did the change  
24 affect the responsibilities of that  
25 position?

PAGE 8

1 A: When the Director of  
2 Safety and Operations, he was  
3 Director of all safety customers,  
4 employees buildings in the present.  
5 And he also had incidents and  
6 operations in the new set up of the  
7 safety of the building and the  
8 employees in it is under Risk  
9 Management and the safety of the  
10 roads and the people on it are  
11 still under that position, so we  
12 felt that it wasn't total safety.  
13 It was more incident and  
14 operations.  
15 Q: Were you aware of  
16 the lawsuit Harry Williams had  
17 brought against the Turnpike  
18 Commission prior to Mr. Weinberg or  
19 Ms. Sharp contacting you and  
20 telling you I wanted to take your  
21 deposition?  
22 A: No. No I was not.  
23 Q: At any point up  
24 until today, have you been made  
25 aware of a lawsuit that a Terry

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## VIDEO DEPOSITION OF GREGORY RICHARDS

SHEET 3 PAGE 9

1 Edwards. She was before you were  
 2 here as brought against the  
 3 Pennsylvania Turnpike Commission?  
 4 A: I am aware of it.  
 5 Q: Okay, how did you  
 6 become aware of that?  
 7 A: There was, I believe  
 8 an EEOC Complaint logged and  
 9 counsel at the Turnpike didn't know  
 10 whether I would be deposed. And so  
 11 they made me aware of it. And then  
 12 when they realized I wasn't here  
 13 when she was here, they decided not  
 14 to depose me.  
 15 Q: What are your  
 16 responsibilities as it relates to  
 17 personnel decisions in your  
 18 deputation?  
 19 A: Well, if it was  
 20 direct report to me. The way we go  
 21 about hiring management people is  
 22 we either advertise internally or  
 23 we advertise internally and  
 24 externally. There is a process to  
 25 do that. When that process is

PAGE 10

1 done. Human Resources sends me a  
 2 list of those candidates that  
 3 applied and whether they were  
 4 deemed qualified or unqualified.  
 5 Those that are qualified then get  
 6 interviewed. And the interviewing  
 7 panel is normally three people.  
 8 Since I have been here, it's always  
 9 been three people and they bring  
 10 forth one, two or three candidates.  
 11 That is their choice. The reason  
 12 there is a choice given is if they  
 13 bring forth three and for whatever  
 14 reason the first decides not to,  
 15 then you have the fall back to the  
 16 second. If you only bring forth  
 17 one and that person decides not to,  
 18 you have to start the process from  
 19 scratch.  
 20 Q: Okay you said they  
 21 can bring forth either one, two or  
 22 three?  
 23 A: They can, yes.  
 24 Q: Now, under what  
 25 circumstances would it be prudent

PAGE 11

1 to bring forth one?  
 2 A: If they interviewed  
 3 the candidates that were qualified  
 4 and felt that one person just  
 5 absolutely excelled over everybody  
 6 else. And that became the  
 7 benchmark. They would be willing  
 8 to go again.  
 9 Q: What about listing  
 10 four?  
 11 A: I don't think there  
 12 is any. I can't swear to this. I  
 13 don't know that there is any rule  
 14 against it; it's just that we  
 15 normally look at three.  
 16 Q: Have you ever seen  
 17 four?  
 18 A: I have not.  
 19 Q: The listing of one,  
 20 two or three. Is that for listings  
 21 where there is one position  
 22 available?  
 23 A: Yes.  
 24 Q: What if there were  
 25 two positions available?

PAGE 12

1 A: We have two ways of  
 2 doing it. We can do separate  
 3 processes or we could interview a  
 4 series of candidates, provided we  
 5 posted both jobs identically. We  
 6 said, you know we are posting both  
 7 internally and if it is  
 8 internal/external, we advertise  
 9 both and then we interview the  
 10 people and they know they are  
 11 interviewing for two possible  
 12 slots. And then we bring forth  
 13 either two or six candidates.  
 14 Q: Now with respect to  
 15 the, and I understand it was all  
 16 speculative. I don't think you  
 17 were referring to anything  
 18 specific, but when. If the  
 19 promotion committee or the  
 20 recommendation committee, is that  
 21 what is called? If they bring  
 22 forth only one candidate. Were you  
 23 saying that suggests that committee  
 24 wanted to influence who got the  
 25 position?

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 4 PAGE 13

1 A: Not. I think that  
2 is a poor choice of words. I think  
3 that in their interviewing process,  
4 they have found that this  
5 particular candidate is a ten on a  
6 scale of one to ten and all others  
7 are maybe four. So, they make a  
8 decision based on their experience  
9 that if they cannot have that  
10 candidate, they will go out and  
11 advertise again so that they can  
12 get more candidates to interview.

13 Q: All candidates who  
14 are interviewed are qualified for  
15 the position. Is that correct?

16 A: All qualified  
17 candidates are interviewed.

18 Q: And your estimation  
19 is it proper or fair to interview  
20 all qualified candidates and if the  
21 panel only liked one of them and  
22 they just put forth one. If that  
23 person got selected then nobody  
24 else gets the job?

25 A: Your asking me if I

PAGE 14

1 think that is fair?

2 Q: Yeah?

3 A: If I am on the  
4 interviewing panel then my judgment  
5 would be on that case. If I found  
6 it to be the same as what I  
7 described earlier and one person  
8 clearly stood out, I would suggest  
9 we bring forth one. But, if the  
10 other people suggested that we  
11 bring forth three, then majority  
12 would rule.

13 Q: So, under that  
14 system if the panel didn't have a  
15 preference for a candidate. Say  
16 five people are interviewed and all  
17 five come across pretty even. The  
18 panel can pretty much exclude the  
19 two that it doesn't want then, by  
20 selecting the other three. Is that  
21 correct?

22 A: Again, I think the  
23 word "exclude" is not a good word.  
24 I have seen. I have been involved  
25 in panels where we will discuss at

PAGE 15

1 great lengths the pros and cons of  
2 what we are looking for. And  
3 normally what you do, what I have  
4 done, is to; you make your decision  
5 as you go along. If you interview  
6 one and then you interview the  
7 second, you compare those two and  
8 come out of it with one. Then you  
9 interview a third. You compare  
10 those two and come out with one or  
11 two. So, it's a process of  
12 elimination based on the  
13 requirements of the job.

14 Q: How many times have  
15 you been on a panel for selection?

16 A: At least, ah four.  
17 It could be more probably not more  
18 than six.

19 Q: And in any of those  
20 instances has it been a situation  
21 where you were interviewing for  
22 more than one position?

23 A: Not me. Not me for  
24 more than one position, but I have  
25 people under me who have

PAGE 16

1 interviewed for more than position,  
2 yeah.

3 Q: I was limiting it to  
4 your.

5 A: But not me.

6 Q: And in each of those  
7 four that you can recall, how many  
8 candidates did you recommend?

9 A: I would say probably  
10 equally split. Maybe if six is the  
11 number that I did, I probably  
12 brought forth four candidates three  
13 times, four times, brought forth  
14 one candidate twice. I have come  
15 with both.

16 Q: In those instances  
17 well, you said probably brought  
18 forth one candidate twice. Can  
19 you.

20 A: I can tell exactly  
21 when I did. I brought forth one  
22 candidate with my secretary.  
23 Because I interviewed. We  
24 interviewed six people and clearly  
25 she stood out among the others that

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## VIDEO DEPOSITION OF GREGORY RICHARDS

SHEET 5 PAGE 17

1 were interviewed, so that's why I  
2 brought forth. And I did that  
3 because if she had said no, then I  
4 would have gone outside. I kept it  
5 inside to promote from within.

6 Q: And that was  
7 somewhat a different situation  
8 because she works for you  
9 exclusively. Correct?

10 A: She does. But, the  
11 panel was a panel of my peers. And  
12 had they not agreed with me, I  
13 would have ended up with someone  
14 else.

15 Q: Other than that one  
16 instance, can you recall any other  
17 times when you recommended just  
18 one? A panel that you were on that  
19 recommended just one?

20 A: I can't.

21 Q: This is a document  
22 marked as Exhibit 4. We had  
23 previously marked three other  
24 Exhibits. Go ahead and take as  
25 much time as you want to

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1 feelings on the candidates as to  
2 why they were or were not  
3 qualified. And then the panel  
4 would have interviewed. And if the  
5 panel would have brought forth  
6 their selections and then I would  
7 have asked McCool, tell me who your  
8 preferences are, one, two, three.  
9 So, that when I went before what  
10 was then called Salary  
11 Administration, I would be asked to  
12 present this to them. And they  
13 would say who are your candidates  
14 and I would tell them. And who are  
15 your choices.

16 Q: How is the panel  
17 established? Organized?

18 A: This panel I can't  
19 speak to because it so quick after  
20 I came here. But, normally what  
21 would occur is you know the  
22 position. If the position within  
23 my responsibility, I would make it  
24 my business to try to find out what  
25 the person is supposed to doing,

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1 familiarize yourself with what that  
2 is and tell me when you are set.  
3 First of all, on the third page of  
4 that document, is that a copy of  
5 your signature?

6 A: Yes it is.

7 Q: And do you recognize  
8 the signature above yours as being  
9 that of Joseph McCool?

10 A: Yes I do.

11 Q: And this would have  
12 been within the first couple weeks  
13 of your service. Correct?

14 A: That's correct.

15 Q: As of September 21st  
16 1999, what involvement had you had  
17 with this promotion process?

18 A: This first sheet  
19 would have come to me. And because  
20 I was new, I would have called  
21 McCool in and I would have asked  
22 him about the candidates, because  
23 at the time I would have felt that  
24 he was more familiar than myself.  
25 And he would have told me his

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1 that the job is about. And then  
2 the supervisor of that area will  
3 recommend his panel and if I think  
4 the panel is fair and impartial, I  
5 will agree to it. And if I think it  
6 also has people on it that are  
7 knowledgeable, I will agree to it.  
8 If I don't, I will suggest that it  
9 be changed.

10 Q: And when you refer  
11 to the supervisor of the position  
12 that is to be filled. Is that the  
13 supervisor at the next level below  
14 you?

15 A: It would have been  
16 McCool. See at this point in time,  
17 I think the Manager of Operations  
18 probably would have been Sullivan.

19 Q: Yes, from what I can  
20 see.

21 A: But, I would have  
22 interfaced with McCool.

23 Q: Have you in any  
24 promotion or selection processes  
25 that have occurred in your

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 6 PAGE 21

1 deputate, have you ever had  
 2 occasion to deal with the next  
 3 lower level of staff management?  
 4 A: Yeah. Yeah I have.  
 5 Q: In what instances?  
 6 A: Well, I think when  
 7 Sullivan resigned; I think it was  
 8 two months of after; he retired.  
 9 Q: Right.  
 10 A: I was within two  
 11 months after I came here. And  
 12 McCool resigned within May of the  
 13 following year, I think it was. And  
 14 so for a while I was the acting  
 15 Director of Operations and Incident  
 16 Management, so I was dealing with  
 17 at that time, the acting manager,  
 18 which was Dave Dombrowski, so I  
 19 dealt with the lower level.  
 20 Q: Now was there ever a  
 21 time when you bypassed the  
 22 intermediate level and went to the  
 23 next level?  
 24 A: I don't believe so,  
 25 no.

PAGE 22

1 Q: I don't know if you  
 2 recall, but Diane Jordan was  
 3 selected in connection with this  
 4 process. Is that correct?  
 5 A: That's what this  
 6 would indicate, yeah.  
 7 Q: And that one, two  
 8 and three next to the candidates  
 9 names. Is that your handwriting?  
 10 A: No it is not.  
 11 Q: Do you know whose  
 12 that is?  
 13 A: I do not. It might  
 14 have been my secretary at the time.  
 15 Jane Kelley, it might be hers, but  
 16 it's not mine.  
 17 Q: And does that one,  
 18 two and three, that does reflect a  
 19 relative ranking of candidates?  
 20 A: It would in this  
 21 case, yes. And it would have been  
 22 on the copy that I took into;  
 23 normally we do not rank them when  
 24 we go before Salary Administration,  
 25 but I might have had a copy of this

PAGE 23

1 with me as notes. And that would  
 2 be for my own notes. If someone  
 3 would say how were they ranked, I  
 4 know.  
 5 Q: Is that a question  
 6 that is typically asked. How were  
 7 they ranked?  
 8 A: Yeah. When you  
 9 bring forth more than one  
 10 candidate, you have to tell who  
 11 your first choice is.  
 12 Q: If you would refer  
 13 to the second page. That top box  
 14 it gives you some statistics.  
 15 Three candidates were interviewed  
 16 and three were recommended. Is  
 17 there any correlation between the  
 18 number of applicants interviewed  
 19 and the number of applicants  
 20 recommended?  
 21 A: In this case it  
 22 would look as if there is, but  
 23 there really isn't. There are  
 24 times when the first line is  
 25 critical because that gives you

PAGE 24

1 your total number and tells which  
 2 were internal and which were  
 3 external. And then the next line  
 4 tells you who were qualified  
 5 internally. And who were qualified  
 6 externally. And sometimes you see  
 7 where there even though they apply,  
 8 they are eliminated because they  
 9 are not qualified. And at this  
 10 point in time, the applicants  
 11 interviewed, it was the panel's  
 12 choice. The Director at that time  
 13 was McCool. It was his choice to  
 14 interview three of them. He says  
 15 one applicant did not respond to  
 16 attempts to schedule an interview,  
 17 so he only interviewed three. He  
 18 tried for four. And he did not  
 19 interview the internal one. It  
 20 doesn't give me any reason why he  
 21 didn't interview the internal one.  
 22 Q: It was she wasn't  
 23 qualified.  
 24 A: Does it say she  
 25 wasn't?

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## VIDEO DEPOSITION OF GREGORY RICHARDS

SHEET 7 PAGE 25

1 Q: On the first page it  
2 does.

3 A: Okay, it says she  
4 wasn't qualified? Oh okay, yeah.  
5 Okay not qualified. I see, yeah.

6 Q: Was the.  
7 A: Your question to me  
8 is, sometimes there are seven  
9 interviewed, but only three brought  
10 fourth. So, you ask me if there is  
11 a correlation.

12 Q: I understand. Was  
13 there any discussion during this  
14 particular promotion process of the  
15 desirability of filling the  
16 position with a female? Did you  
17 know that Harry Williams.

18 A: I did not know.  
19 There was no desire for it to be a  
20 female.

21 Q: Did you know that  
22 Harry Williams submitted or  
23 attempted to submit an application  
24 or a response to this posting?

25 A: I would not have

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1 known that. This is the sheet I  
2 would have received.

3 Q: You're referring to  
4 the top sheet?

5 A: Yeah, his name is  
6 not on it.

7 Q: So, my question to  
8 you is was that the first time you  
9 ever heard that?

10 A: Yes.

11 Q: This will be marked  
12 as Exhibit 5. And again, go ahead  
13 and review that. Okay on the third  
14 page of that document, is that your  
15 signature? A copy of your  
16 signature?

17 A: Yes it is.

18 Q: From the time of  
19 Diane Jordan's selection until the  
20 12/1/99 posting date, which is the  
21 date referenced on the promotion  
22 application logs. Were there any  
23 vacancies created in the Duty  
24 Officer position?

25 A: I don't know the

PAGE 27

1 answer to that.

2 Q: Joe Sullivan left at  
3 some point during that period of  
4 time, didn't he?

5 A: Well he left in  
6 October of 1999. But, as I said,  
7 we put Dave Dombrowski as the  
8 acting manager and he retained. He  
9 was the Duty Officer and the acting  
10 Manager.

11 Q: And who. I'm sorry  
12 did you have some more to say?

13 A: No, you asked me a  
14 question, I don't know the exact  
15 answer. There were, we had quite a  
16 few openings for both radio  
17 operators and duty officers. One  
18 of the first things that I was hit  
19 with when I came here was trying to  
20 make sure that we had the proper  
21 staff. The proper count. We were  
22 down on it.

23 Q: When you came here,  
24 how many duty officers positions,  
25 not positions, but how many duty

PAGE 28

1 officers were actually employed?

2 A: Jordan, Dombrowski,  
3 Roush and Wickert and Rudy. Five.

4 Q: And Diane Jordan,  
5 six?

6 A: Jordan six. Yes.

7 Q: And when Dombrowski  
8 was appointed acting Operations  
9 Center Manager, did he retain his  
10 duty officer position. Did he  
11 continue to hold that position as a  
12 matter of personnel record?

13 A: For a while, but  
14 then he was also transferring into  
15 another area of that department.  
16 He was going to take over the  
17 coordinator of our towing and  
18 emergency response vehicles. He  
19 was going coordinate that, so he  
20 was going to relieve the Duty  
21 Officer position. So it created a  
22 vacancy in the Duty Officer and  
23 then he held two halves of that  
24 coordinator and the acting manager  
25 for the better part of a year.

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 8 PAGE 29

1 Q: Well is it fair to  
2 conclude then that this promotion  
3 reflected filling Dave Dombrowski's  
4 position or was this a separate.

5 A: I don't know that  
6 it's fair to say that. I would  
7 have to go back and look at the  
8 exact records at the time, but you  
9 know, we were low on Duty Officers  
10 and we were interviewing for them.

11 Q: You had six before  
12 Joe Sullivan retired. I think we  
13 just went them?

14 A: Did I have six or  
15 did I just save five at first?

16 Q: Yeah, but then you  
17 hired Diane Jordan, which made six.

18 A: But, I lost  
19 Dombrowski, which brought me back  
20 to five.

21 Q: I'm saying before  
22 Joe Sullivan left, you had six?

23 A: I would have had  
24 Jordan, Roush, Jumper, Wickert and  
25 Rudy. That's five.

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1 Q: And then.

2 A: Dombrowski gone and  
3 then Jordan in would be the sixth.  
4 No?

5 Q: You counted Jordan  
6 twice I think?

7 A: Did I?

8 Q: Maybe, no I might  
9 have been mistaken.

10 A: The record will  
11 speak for itself.

12 Q: Yeah. Well let me  
13 ask it this way. After this  
14 position was filled, how many Duty  
15 Officers were there?

16 A: After this position  
17 was filled we would have had  
18 Jordan, Roush, Jumper, Wickert and  
19 Rudy. Now we probably were still  
20 looking for more, because  
21 Dombrowski was going to vacate.

22 Q: Right.

23 A: So, we had five.

24 Q: How many Duty  
25 Officers are there now?

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1 A: I think there are  
2 six, if I can count them in mind.  
3 There is Jordan, Rudy, Roush,  
4 Jumper, Wickert and Leiss. There  
5 are six.

6 Q: What's the  
7 complement? Is it six?

8 A: For Duty Officers,  
9 it is six, yes.

10 Q: Okay that's probably  
11 the first question I should have  
12 asked. Okay and the first page of  
13 Exhibit 5. That is a copy of what  
14 you would have received from  
15 personnel, correct?

16 A: This is what I  
17 received from H.R., yeah, that's  
18 correct.

19 Q: And without  
20 reference to that document, from  
21 that point, what is the process?

22 A: I look at who  
23 applied. Who has applied? I look  
24 at who is qualified and who is not  
25 and if something would jump out at

PAGE 32

1 me. Suppose there was a person in  
2 there that I had been associated  
3 with in the Turnpike and they were  
4 considered not qualified or they  
5 were considered qualified. And in  
6 my own mind I would question either  
7 one. I would pick up the phone and  
8 call H.R. and say, you sent me  
9 this. You qualify it or you did  
10 not qualify this person. Can you  
11 tell me why?

12 Q: Do you know if he  
13 did that in connection with this  
14 one?

15 A: On this one. No, I  
16 did not because I would rely on  
17 McCool. I was still fairly new at  
18 this game. I still would have  
19 relied on McCool.

20 Q: So, you had two  
21 qualified applicants?

22 A: Well, it says here I  
23 had Davis and Havrilla. And on the  
24 second page we have added Faryniek  
25 and Dietz. And then my note

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 9 PAGE 33

1 explains to H.R. why.  
 2 Q: So what happened?  
 3 Was it Faryniek, F.a.r.y.n.i.e.k.  
 4 and Dietz, D.e.i.t.z. that were  
 5 being added?  
 6 A: Well, I am referring  
 7 to the note that is on the back end  
 8 of this, where they had been  
 9 interviewed before and it says. I  
 10 said to the Director of H.R. This  
 11 is my handwriting. It's A-okay to  
 12 go ahead with two, meaning two  
 13 positions per Joe McCool from the  
 14 last go around on Duty Officers.  
 15 Cindy Dietz and Dan Bretzman are  
 16 applicable to this posting. To  
 17 conserve time, let's have the same  
 18 interview team interview the two  
 19 and then choose from the four.  
 20 Q: And is this all your  
 21 handwriting on the last page?  
 22 A: No. My handwriting  
 23 is the one that is straight up and  
 24 down; like a draftsman. And then  
 25 my signature. The lines on the

PAGE 34

1 left are not mine. I don't whose  
 2 they are? They must be from H.R.  
 3 Q: And at the bottom  
 4 where it says check file regarding  
 5 the above issue. Do you recognize  
 6 the handwriting there?  
 7 A: I don't know whose  
 8 handwriting it is?  
 9 Q: It appears to me  
 10 that you are responding to Joanne  
 11 Davis. She was an inquiry?  
 12 ATTORNEY WEINBERG:  
 13 Object to the form.  
 14 Q: Let me just get  
 15 clear here. Just read all the  
 16 words on here that aren't your  
 17 handwriting. In the order as you  
 18 go through it?  
 19 A: That is mine?  
 20 Q: Yeah?  
 21 A: It says okay 1/7/00.  
 22 It says, that's Joanne Davis'  
 23 signature, see it? At the middle  
 24 of the page? J.G.D.?  
 25 Q: Okay.

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1 A: And then it says  
 2 check file regarding the above  
 3 issue. I don't want to give  
 4 conjecture, she probably had a file  
 5 on the interviews of the two  
 6 candidates.  
 7 Q: Everything then is  
 8 your handwriting?  
 9 A: Yes sir.  
 10 Q: Do you know if the  
 11 scribble over Steve Detweiler, is  
 12 that your scribble mark?  
 13 A: It probably is. I  
 14 don't know the answer to that.  
 15 Q: Who is Faryniek?  
 16 A: I don't know?  
 17 Probably a candidate that was  
 18 interviewed prior.  
 19 Q: On that second page  
 20 of the document or is the  
 21 handwriting on that document yours?  
 22 A: No it is not.  
 23 Q: Do you recognize  
 24 that handwriting?  
 25 A: No I do not.

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1 Q: And the only one  
 2 that has a check next to it as  
 3 qualified is Faryniek, correct?  
 4 A: Yeah, but they are  
 5 grouped. See the line beside them?  
 6 Like a bracket. Beside Faryniek  
 7 and Gates there is a bracket so,  
 8 you say they are the only one that  
 9 is checked, but it looks like they  
 10 are bracketed as together.  
 11 Q: It appears they are  
 12 bracketed as external. Can you  
 13 read what that says there?  
 14 A: No, I can't. It  
 15 looks like external, but I couldn't  
 16 swear to it.  
 17 Q: With respect to the  
 18 first page, do you agree that you  
 19 had two qualified candidates for  
 20 one position, correct?  
 21 A: This log came to me  
 22 as you see it here. That's what I  
 23 read, correct.  
 24 Q: And I think you also  
 25 testified that you didn't have any

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## VIDEO DEPOSITION OF GREGORY RICHARDS

SHEET 10 PAGE 37

1 problem with. You explained a  
2 hypothetical situation where if you  
3 saw and you questioned someone's  
4 qualifications. You said you didn't  
5 have that concern with this,  
6 correct?

7 A: I would not have  
8 that concern, no.

9 Q: And all four of  
10 those candidates were internal  
11 candidates, correct?

12 A: That is correct.

13 Q: Do you know Mr.  
14 Havrilla?

15 A: I know him. I didn't  
16 know him when this done, but I know  
17 him now, yeah.

18 Q: He was hired, what  
19 two months before this decision?

20 A: Yes.

21 Q: Do you know Joel  
22 Davis?

23 A: He was hired right  
24 when I came.

25 Q: Do you know Joel

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1 that she had been interviewed  
2 before and she was considered a  
3 viable candidate, but she did not  
4 take the job because she got a  
5 better offer at the local OP Center  
6 where she worked. And then in the  
7 middle of this process, she called  
8 McCool and said I am available. I  
9 would like to interview for a job.  
10 And McCool went to H.R. and said,  
11 can I bring forth these candidates  
12 and H.R. said if it is alright with  
13 Richards, it will be alright with  
14 us. They had been interviewed and  
15 they had been qualified before.  
16 That is the reason for that.

17 Q: Do you know Joe  
18 McCool to be a racist?

19 A: I don't know that.

20 Q: Do know that is why  
21 he got fired?

22 A: I don't know that he  
23 was fired. He resigned.

24 Q: He resigned. Did you  
25 ever hear him use the word nigger?

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1 Davis?

2 A: I do not.

3 Q: Have you ever heard  
4 that name before?

5 A: No.

6 Q: How did it get back  
7 into the process of trying to pick  
8 two more people to fill that  
9 position?

10 A: If I were to tell  
11 you what I think it's purely  
12 conjecture. I don't know.

13 Q: Tell me.

14 A: I don't know. At  
15 that point in time, there was a  
16 need for Duty Officers and what we  
17 had was a series of Duty Officers  
18 who were getting absolutely no time  
19 off. They couldn't even get a  
20 vacation because we were always  
21 short one. And so, we were trying  
22 to interview as many qualified  
23 candidates as we could and the one  
24 thing I do remember about Cindy  
25 Dietz, whose name is on there. Is

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1 A: No, I did not.

2 Q: Did you ever know  
3 him to use that word?

4 A: No, I did not.

5 Q: At any time until  
6 today, you never heard anybody say  
7 that Joe McCool used that word?

8 A: When I looked at the  
9 EEOC, I certainly saw that it was  
10 inferred.

11 Q: And what's your  
12 source of knowledge of the fact  
13 that you testified to about Cindy  
14 Dietz contacting Joe McCool?

15 A: Conversations with  
16 McCool and conversations with H.R.  
17 I did not meet her. But, I saw her  
18 resume. I saw her qualifications.

19 Q: Did you know that  
20 Joanne Gitto Davis received a  
21 letter, I think it was around  
22 November or so of 1999, saying Dear  
23 Joanne, someone by the name of Joe  
24 contacting me to ask if I was  
25 interested in the Duty Officer

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 11 PAGE 41

1 position, would you know that?  
 2 **A: No, I would not know**  
 3 **that.**

4 **Q: I don't think,**  
 5 **either I haven't allowed you or you**  
 6 **haven't gotten to the direct answer**  
 7 **to the question as to why from**  
 8 **after you received page one; why**  
 9 **did it need to be opened up to**  
 10 **anymore candidates?**

11 **A: There are instances**  
 12 **where you, in position I go by what**  
 13 **H.R. sends to me. You know, they**  
 14 **are the people that are the experts**  
 15 **on how this is conducted. And if**  
 16 **they would send me a list and tell**  
 17 **me this is the list of candidates,**  
 18 **I look at it and say it's fine.**  
 19 **They could come back to me and in a**  
 20 **couple of days and say we didn't**  
 21 **get a candidate in or we made a**  
 22 **mistake and didn't get this**  
 23 **candidate in. And here is the new**  
 24 **list, will you review it.**

25 **Q: Didn't that happen?**

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1 **A: Well I've got two**  
 2 **lists here. The one references me.**  
 3 **The other one does not. The one**  
 4 **has my name on it as a cc; the**  
 5 **second one does not, so I can't**  
 6 **attest to that.**

7 **Q: And Joanne Gitto**  
 8 **Davis, she testified that when the**  
 9 **list came down to her office. The**  
 10 **list to work from, it's got the**  
 11 **typewritten x's in the boxes as**  
 12 **opposed to check marks?**

13 **A: That is true.**

14 **Q: Did you receive that**  
 15 **list with the check marks on it?**

16 **A: I have not, no.**

17 **Q: If I suggest that**  
 18 **Faryniek, James and Cindy are and I**  
 19 **really don't know one way or the**  
 20 **other, is that Joe McCool's**  
 21 **writing?**

22 **A: I can't say that. I**  
 23 **don't that.**

24 **Q: Okay if you would**  
 25 **turn to the fourth page of that**

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1 document.

2 **A: Alright.**

3 **Q: The two persons who**  
 4 **were qualified from the first page.**  
 5 **Mr. Davis and Mr. Havrilla are**  
 6 **listed as recommended, correct?**

7 **A: Mr. Davis?**

8 **Q: Yeah, Bertzman,**  
 9 **Davis, Dietz?**

10 **A: Oh okay. Yes, there**  
 11 **are four of them.**

12 **Q: I'll read to you.**  
 13 **Let's look at Mr. Davis and Mr.**  
 14 **Havrilla. Mr. Davis is qualified**  
 15 **for the position of Duty Officer.**  
 16 **Mr. Davis has ten years experience**  
 17 **with the Pennsylvania Turnpike**  
 18 **Commission, including four years as**  
 19 **Radio Operator and one year as a**  
 20 **Radio Operator Two (Shift Leader).**  
 21 **Martin Havrilla is qualified for**  
 22 **the position of Duty Officer. Mr.**  
 23 **Havrilla has a military background,**  
 24 **but only limited Turnpike**  
 25 **Telecommunications experience.**

PAGE 44

1 **A: Um hum.**

2 **Q: Given those two**  
 3 **candidates, whom would you select?**

4 **A: Well, I happen to**  
 5 **know Marty Havrilla's background**  
 6 **and along with this list would be**  
 7 **the resumes and the request. If**  
 8 **they are an internal candidate,**  
 9 **they have to supply their. If it**  
 10 **applicable, their performance**  
 11 **reviews. They have to supply a**  
 12 **written request and they have to**  
 13 **supply a resume. So, I would have**  
 14 **read the resumes. And not knowing**  
 15 **Joel Davis, I can tell you that I**  
 16 **have read Marty Havrilla's resume**  
 17 **and I have also interviewed Marty**  
 18 **Havrilla for other positions. So**  
 19 **with what I would have to back it**  
 20 **up. I'd probably choose Havrilla.**  
 21 **He was a retired Colonel from the**  
 22 **Air Force.**

23 **Q: What do you know**  
 24 **about Joel Davis?**

25 **A: I told you I didn't**

## VIDEO DEPOSITION OF GREGROY RICHARDS

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1 know him. I don't know him. I  
2 would have read his resume. And if  
3 I was looking for someone. We were  
4 always looking for people who could  
5 come in at one level, be promoted  
6 to another and had great background  
7 in dispatch and good credentials in  
8 this field or related fields. And  
9 the resumes would have been  
10 attached to this. It would allow  
11 me to make a very easy choice.

12 Q: So in any event, in  
13 your mind, Mr. Havrilla, based on  
14 what you know about him as  
15 perfectly suited. Or not perfectly  
16 suited, but was an acceptable and  
17 qualified candidate for the Duty  
18 Officer position?

19 A: Well, I was not the  
20 panel that interviewed these  
21 people.

22 Q: Well, I know, I'm  
23 asking you.

24 A: But, in my mind  
25 based on that, he was one of four

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1 that was brought forth and he would  
2 be acceptable. I happen to know  
3 that he did not get it.

4 Q: But, if somebody  
5 came to you and said, look we are  
6 going to hire Martin Havrilla for  
7 this position, you would not have  
8 said, oh no way; you can't do that,  
9 that's a mistake?

10 A: Based on my reading  
11 of his resume, I would have said,  
12 he is certainly qualified for the  
13 position.

14 Q: And if the only  
15 thing you ever knew about these two  
16 gentlemen is what's written on that  
17 page, so you have to kind of  
18 exclude your knowledge of Mr.  
19 Havrilla. I mean who looks like  
20 more qualified or the better suited  
21 candidate?

22 A: Well, I know where  
23 you are leading me, but I'm going  
24 to lead you right back. Our  
25 statements in our job description

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1 have or equal.

2 Q: Have what?

3 A: Or equal. They have  
4 the experience or equal.

5 Q: Oh, no. I'm not  
6 leading you there. Your talking  
7 about a college degree?

8 A: No, I'm talking  
9 about that all. I mean if I read  
10 Joel Davis, I'm reading that he is  
11 applying for Duty Officer; he's  
12 been a Radio Operator. He's got  
13 experience and he is shift leader.

14 Q: Right?

15 A: He's an internal  
16 candidate. That would tell me he  
17 is familiar. It doesn't tell me  
18 that is going to make a great Duty  
19 Officer. It tells me that he was  
20 hired and he was an acceptable  
21 Radio Operator. He is being brought  
22 forth by a committee based on his  
23 interview, based on what they know  
24 about him as an okay candidate for  
25 this. So is Havrilla. So I am

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1 really relying on the committee and  
2 saying that they were both brought  
3 forth. Now I will then ask the  
4 committee, give me your top. I  
5 need to prioritize this.

6 Q: Okay, well suppose  
7 then you didn't get to that point  
8 with the committee. Someone said  
9 to you, you got two candidates,  
10 Joel Davis and Martin Havrilla.  
11 Read what's here and make a  
12 decision.

13 Q: I'll ask a different  
14 question.

15 A: Alright.

16 Q: Do you have any  
17 reason? You being the reasonable  
18 man and competent supervisor that  
19 you are; would have any reason to  
20 disagree with the statement that if  
21 you were reviewing the statement  
22 next to Joel Davis and the  
23 statement next to Martin Havrilla  
24 had them make this decision with  
25 nothing other than what is written

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1 there in black and white, you would  
2 have selected Joel Davis?

3 ATTORNEY WEINBERG: I  
4 have a continuing objection. This  
5 is absurd. The witness has just  
6 spent ten minute telling you.

7 Q: Well, I'll tell you  
8 what is absurd, is the point I'm  
9 trying to make.

10 ATTORNEY WEINBERG: Ten  
11 minutes telling you that based on a  
12 few sentences on one piece of  
13 paper. He can't answer that kind  
14 of question. There are too many  
15 other facts to look at.

16 Q: Fair enough. You  
17 never met Joel Davis?

18 A: No. I don't  
19 remember Joel Davis and I looked at  
20 the thing you gave you earlier and  
21 it appeared that he left the  
22 Turnpike in December of 1999. So,  
23 there is every reason to support  
24 that I would not have known him,  
25 because I started working here

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1 September 5th and by September 18th  
2 we relocated to Carlisle. And the  
3 Operations Center stayed here in a  
4 trailer and I only got back in  
5 forth a little bit between the two.  
6 So, he probably was gone by then.

7 Q: Is there any reason  
8 that whoever was conducting this  
9 process did not find either Joel  
10 Davis or Martin Havrilla as  
11 acceptable candidates?

12 A: No, there is no  
13 reason that I know of.

14 Q: Now if I point out  
15 the fact that Joel Davis is a black  
16 man, is there any reason in your  
17 mind to determine whether anybody  
18 thought Joel Davis or Martin  
19 Havrilla was not qualified?

20 A: No. I would not  
21 have known that Joel Davis was a  
22 black man. That would not have  
23 made any difference.

24 Q: Shouldn't have made  
25 a difference, right?

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1 A: It wouldn't have  
2 made any difference to me.

3 Q: And it shouldn't for  
4 whoever made this decision?

5 A: That is correct.

6 Q: Now has it ever been  
7 discussed in your presence or  
8 suggested to you that whoever  
9 conducted this process knew that  
10 they were going to be faced with  
11 choosing between the black man,  
12 Joel Davis and Martin Havrilla, who  
13 has only been at the Turnpike for  
14 three months, knew that being the  
15 black hating person that he or she  
16 is, he would have to hire a black  
17 man in a management position and  
18 didn't want that; and therefore,  
19 went out crafted positions and got  
20 new candidates.

21 ATTORNEY WEINBERG:  
22 Objection.

23 Q: Has that ever been?

24 ATTORNEY WEINBERG:  
25 That's not even a question.

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1 ATTORNEY OSTROWSKI: Yes  
2 it is.

3 ATTORNEY WEINBERG: That  
4 is the most compounded question.

5 ATTORNEY OSTROWSKI: No.  
6 It is a very simply question.

7 ATTORNEY SHARP: Whoa,  
8 one at a time now.  
9 Series of questions.

10 ATTORNEY SHARP: Okay,  
11 we are done.

12 ATTORNEY WEINBERG: I'm  
13 objecting as to the form of the  
14 question. Mr. Richards, did you  
15 understand this question?

16 A: I would ask you to  
17 repeat the question.

18 Q: My question is. The  
19 question really is at the beginning  
20 here. Did anybody ever suggest to  
21 you or discuss in front of you the  
22 fact that. That's the question and  
23 here is the proposition. Whoever  
24 was making this decision had to  
25 choose between; knew, saw that they

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## VIDEO DEPOSITION OF GREGORY RICHARDS

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1 were going to have to choose  
2 between Martin Havrilla and Joel  
3 Davis. Martin Havrilla had only  
4 been at the Turnpike Commission for  
5 three months. Joel Davis is a  
6 black man. This person didn't like  
7 blacks and therefore, went out and  
8 tried to contact Cindy Dietz,  
9 Faryniek and others to have more  
10 candidates to choose from to  
11 legitimize it?

12 A: I don't know that to  
13 be true.

14 Q: Do you have any  
15 reason to dispute my hypothecation  
16 as affect?

17 A: To dispute it?

18 Q: Yes.

19 A: My only dispute  
20 would be that the panel; I have  
21 never heard McCool act racist. I  
22 have never heard Capone act racist  
23 and I have never heard Genevieve  
24 act racist. So, no. Do I have any  
25 reason to believe? I would trust

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1 the panel. And I don't know that; I  
2 have never seen them to be racist.

3 Q: On the first page of  
4 that document. That appears to be  
5 a copy of post-it-note. Is that  
6 your handwriting on that?

7 A: No it is not.

8 Q: Can you offer any?  
9 Your G.R. Richards?

10 A: I am. It says  
11 external candidate. (Operations  
12 Center) date 3/8/00. That might  
13 be; that is H.R. is my suspicion,  
14 but I don't know.

15 Q: Do you know why or  
16 do you recall anything that was  
17 going on with respect to this  
18 promotion in early March of 2000?

19 A: I think I have  
20 already told you that there was a  
21 need for duty officers. There was a  
22 need for radio operators and at the  
23 time we were interviewing everybody  
24 that we could to get qualified  
25 people. And there was also a

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1 revolving door on some of the duty  
2 officers and we were trying to get  
3 the complement up to what it was  
4 supposed to be.

5 Q: As of March 8, 2000,  
6 had the applicant; successful  
7 applicant taken that duty officer  
8 position or assumed, or actually  
9 fill that duty officer position?

10 A: Well this was  
11 brought forth on 1/26 and the two  
12 people that were hired out this for  
13 duty officers. There would have  
14 only been one. Marty Havrilla was  
15 never a duty officer. Bretzman  
16 would have been hired. Dietz, as I  
17 told you, turned down the job and I  
18 never met Joel Davis. So, Bretzman  
19 would have got the job so, if we  
20 accepted this on 1/26, it would  
21 have been approved at the next  
22 Commission meeting, which would  
23 have been the first Tuesday in  
24 February and then the person would  
25 have started the following pay

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1 period, which would have been a  
2 Friday. So, the answer to your  
3 question is, Bretzman would have  
4 started by this date. By 3/8.

5 Q: Is there any reason  
6 that you are aware of or recall  
7 that Mr. Bretzman would not have or  
8 did not fill that position that  
9 second week of February?

10 A: It's in the record.  
11 If the process followed through the  
12 way I described it, Mr. Bretzman  
13 would have been brought onto the  
14 Turnpike in February.

15 Q: You don't have a  
16 recollection of there being any.

17 A: No, but it's in the  
18 record; I mean H.R. records would  
19 show it.

20 Q: Okay this is marked  
21 Exhibit 7. The fifth page of this  
22 document. Is that a copy of your  
23 signature?

24 A: It is.

25 Q: And above that, is

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 15 PAGE 57

1 that your handwriting? DED of  
 2 Customer Service?  
 3 A: Yes it is.  
 4 Q: Why did you write  
 5 that in there?  
 6 A: Because it was given  
 7 to me to sign. It was computer  
 8 generated and it didn't have my  
 9 title in it. So, I put the title  
 10 in and signed it.  
 11 Q: But, why was there;  
 12 I mean on the other.  
 13 A: It was probably  
 14 typed in.  
 15 Q: But on the other  
 16 documents at that level on the  
 17 recommended personnel action, we  
 18 had Joe McCool signing.  
 19 A: Joe McCool was gone.  
 20 Q: Okay.  
 21 A: It's 1/17/01. He  
 22 left in May of 1999. I was still  
 23 the acting director.  
 24 Q: Why. This is 2001?  
 25 How long were you acting director?

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1 A: I hired. Joe McCool  
 2 left in May of 2000, and I believe  
 3 we hired Alan Baldwin in March or  
 4 April of 2001.  
 5 Q: Well why.  
 6 A: So I was acting for  
 7 ten months.  
 8 Q: Why didn't you have  
 9 the Operations Center Manager  
 10 assume that role? Deal with the  
 11 Operations Center Manager in this  
 12 process?  
 13 A: At this point in  
 14 time I don't know whether Bretzman  
 15 had; I don't know whether Bretzman  
 16 was yet appointed as manager, but  
 17 ah.  
 18 Q: Well on the previous  
 19 page.  
 20 A: What's it say?  
 21 Q: Or it's the third  
 22 page of the document. It says um.  
 23 A: That he had already  
 24 been appointed.  
 25 Q: Would he had the

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1 person with whom you would have  
 2 dealt with?  
 3 A: My secretary just  
 4 took the form off the computer and  
 5 you know, I'm allowed to sign it.  
 6 Bretzman's signature in itself  
 7 won't make it happen. My signature  
 8 will make it happen. I was asked  
 9 to sign it, so I signed it.  
 10 Q: Well, I'm not asking  
 11 why you signed it because you  
 12 signed the other ones. I'm asking  
 13 why you wrote DED of Customer  
 14 Service?  
 15 A: Well, it doesn't  
 16 have title there? Signature/title?  
 17 Q: Yeah and what.  
 18 A: I probably read just  
 19 what I just did now; I didn't read  
 20 signature, I read title.  
 21 Q: Well, what about  
 22 below your signature? DED  
 23 signature? Right?  
 24 A: I read. I did what  
 25 I just did right now. When you

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1 asked why I wrote the title, I  
 2 looked at it and I read title. I  
 3 didn't read signature title.  
 4 Q: Well look at number  
 5 5 and number 4 and above the DED  
 6 signature line is Joe McCool?  
 7 A: He's gone.  
 8 Q: Didn't you know that  
 9 someone else was supposed to sign  
 10 that?  
 11 A: I can't answer that.  
 12 I signed it. And I wrote in my  
 13 title.  
 14 Q: Okay. Why in this  
 15 instance, was there a panel of only  
 16 two persons? - and Dan Gretzman?  
 17 A: I can only; it would  
 18 be conjecture for me to answer you.  
 19 There was no written rule that we  
 20 had to have three. We could have  
 21 two. And we chose to have two at  
 22 this point in time. There is no  
 23 specific reason.  
 24 Q: You don't recall  
 25 there being any discussion about

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SHEET 16 PAGE 61

1 that?

2 A: No. And it might  
3 have been that you know, we wanted  
4 to have; we might have wanted to  
5 have a third and that third person  
6 wasn't available. They could have  
7 been on vacation and so to move the  
8 process along, we went with two.

9 Q: Was Bill Capone an  
10 employee at the time?

11 A: Oh yeah.

12 Q: What was his  
13 position at the time?

14 A: At the time of this,  
15 he would have been the Director of  
16 Marketing.

17 Q: If you look at the  
18 second page of this, which is what  
19 I believe would be the promotion  
20 application log as received by you,  
21 correct?

22 A: This is normally  
23 what I would receive, yes.

24 Q: It reflects two  
25 qualified internal candidates,

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1 correct?

2 A: Yes.

3 Q: Harry Williams and  
4 Todd Leiss?

5 A: Um hum.

6 Q: And if you turn to  
7 the next page in the top box, fist  
8 line, first box. The total number  
9 of applicants internal two?

10 A: Right.

11 Q: And it says  
12 applicants not qualified, one  
13 applicants qualified one?

14 A: Um hum.

15 Q: Can you explain how  
16 when you have two. How you square  
17 the second page and third page of  
18 that?

19 A: WE had started to  
20 raise the bar for duty officers  
21 with not only ABCO training, but  
22 also ability to interface with the  
23 computer. Ability to type for the  
24 purpose of getting the reports  
25 accurate and quick. Because that

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1 is essential. And on paper the  
2 first sheet would indicate the  
3 qualifications on paper. The  
4 second sheet would indicate that  
5 for whatever reason, one person  
6 didn't make it though the testing.

7 Q: And in that case  
8 that would be Harry Williams,  
9 right?

10 A: And I would have  
11 called on that. And I did.

12 Q: And what was the  
13 reason?

14 A: I saw that and the  
15 thing that alerted me was he was.

16 Q: Who did you call?

17 A: I called Bretzman.  
18 I called Bretzman because I saw  
19 from H.R. that there were three  
20 qualified and I saw that he only  
21 brought forth one, and I said what  
22 happened to the two qualified and  
23 he told me that one of the  
24 candidates did not pass the typing.

25 Q: And um, strike that.

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1 And at this time, as of January 17,  
2 2001, you were aware of Harry  
3 Williams EEOC Complaint?

4 A: I can't swear to the  
5 crossing of dates. I would have to  
6 ask counsel for that. I know that  
7 our counsel gave that to me, but I  
8 don't know the dates. I can't  
9 answer that.

10 ATTORNEY WEINBERG: I'm  
11 going to object because I believe  
12 the witness said he was aware of an  
13 Edwards Complaint, not a Harry  
14 Williams Complaints.

15 Q: Well, he did, but I  
16 was asking were you also at some  
17 point before today. If not of this  
18 specific Federal lawsuit of an EEOC  
19 Complaint also filed by Harry  
20 Williams?

21 A: I have never seen  
22 it, I heard about it.

23 Q: Let me ask you, did  
24 you write DED of Customer Service  
25 on that line because you knew if

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## VIDEO DEPOSITION OF GREGROY RICHARDS

SHEET 17 PAGE 65

1 Dan Bretzman signed it, it would  
 2 give Harry Williams ammunition to.  
 3 A: No. No. I'm just  
 4 telling you right here. I must  
 5 have made the same mistake then  
 6 that I made just now. You asked me  
 7 why it was there and I looked at  
 8 that and saw title. I didn't see  
 9 signature. And title to me was DED  
 10 of Customer Service and DED's  
 11 signature was Gregory R. Richards.  
 12 And what I knew was when I went  
 13 before the Salary Administration  
 14 Committee, they want me signature  
 15 on there. As having okayed the  
 16 process.

17 Q: And this issue of  
 18 the type in. What do you mean?

19 A: Well, a lot of these  
 20 forms are on computer now. And if  
 21 I'm doing, if my secretary is.

22 Q: You're responding to  
 23 the wrong question. The reason  
 24 that Harry wasn't; you said you had  
 25 talked to.

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1 A: Oh the part of the  
 2 qualifications for duty officers  
 3 when we brought Mr. Gretzman on we  
 4 asked him to start to raise the bar  
 5 for the qualifications because the  
 6 qualifications for a duty officer;  
 7 I mean it's not just bing bing and  
 8 your in. It takes a certain type  
 9 of person with certain skills. And  
 10 not only did we have the ABCO  
 11 training, but we also now began to  
 12 want some computer skills, some  
 13 typing skills for the purpose of  
 14 making sure the logs were done on  
 15 time and accurate.

16 Q: Does the Turnpike  
 17 use voice recognition software?

18 A: No.

19 Q: Do you know if the  
 20 vacancy notice; and the only one I  
 21 have may not have been in affect at  
 22 that time. If the vacancy notice  
 23 said anything about a typing  
 24 requirement?

25 A: I don't know that.

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1 Q: Do you know anyone  
 2 else who ever took a typing test  
 3 for a duty officer position?

4 A: Todd Leiss.

5 Q: And you said that, I  
 6 forget what I was going to ask.  
 7 Okay I have not further questions.

8 ATTORNEY WEINBERG: I  
 9 just have a note. Plaintiff's 7  
 10 should not be 6. Is there a 6?

11 ATTORNEY OSTROWSKI: I think  
 12 so. We have four, five, six, I'm  
 13 sorry, your right.

14 ATTORNEY WEINBERG: And I  
 15 have no questions.

16 ATTORNEY OSTROWSKI: Thank you  
 17 Mr. Richards.

18 VIDEO REPORTER: The  
 19 time is 2:39 p.m. The deposition  
 20 of Gregory Richards is completed.  
 21 Video and audio will be suspended.

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IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY, PENNSYLVANIA

ORIGINAL

HARRY E. WILLIAMS, JR.                     )  
   )  
   Plaintiff        )  
   )  
                                   vs.                     )       NO. 1:CV-01-0877  
   )  
PENNSYLVANIA TURNPIKE                    )  
COMMISSION,                                 )  
   )  
   Defendant        )

DEPOSITIONS OF:               WILLIAM CAPONE

DATE:                         JULY 18, 2002

APPEARANCES:

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## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 1 PAGE 1

1 VIDEO OPERATOR: Ladies and gentlemen,  
 2 let me advise you that video and audio  
 3 operations are on. Today's date is July  
 4 18th, 2002. The time now is 2:56, my name is  
 5 Albert Rodriguez, my address is 4146 Spruce  
 6 Park, Lebanon, PA 17046. I have been hired  
 7 by PR Video to take this video deposition for  
 8 the plaintiff. This case is in the United  
 9 States Middle District of Pennsylvania. It  
 10 is docketed at 1CV-01-0877 caption is Harry  
 11 E. Williams vs. Pennsylvania Turnpike  
 12 Commission the deponent is William Capone.  
 13 CAPONE: William Capone.  
 14 VIDEO OPERATOR: Excuse me?  
 15 CAPONE: William Capone.  
 16 VIDEO OPERATOR: William Capone. Mr.  
 17 Capone, please raise your right hand. Do you  
 18 understand that this is a legal proceeding  
 19 and do you swear to truthfully answer the  
 20 questions asked of you?  
 21 CAPONE: I do.  
 22 VIDEO OPERATOR: Will counsel please  
 23 identify themselves and provide the address  
 24 and phone number for the record.  
 25 OSTROWSKI: Andrew Ostrowski, 4211 North

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1 6th Street, Harrisburg PA 17110, (717) 221-  
 2 9500, counsel for the plaintiff.  
 3 WEINBERG: Counsel for Turnpike, Marvin  
 4 Weinberg, 2000 Market Street, 10th Floor,  
 5 Philadelphia, 19103.  
 6 SHARP: Katherine Sharp, assistant  
 7 counsel for the Pennsylvania Turnpike  
 8 Commission, Post Office Box 67676.  
 9 OSTROWSKI: Mr. Capone, my name is Andy  
 10 Ostrowski, introduced just about two or three  
 11 minutes ago. You understand you're here  
 12 today to give a deposition in connection with  
 13 the lawsuit that Harry Williams has brought  
 14 against Pennsylvania Turnpike Commission?  
 15 CAPONE: Yes.  
 16 Q: What's your current with the  
 17 Pennsylvania Turnpike?  
 18 A: I'm the Director of Public Affairs.  
 19 Q: And how long have you hold, how  
 20 long have you had that title?  
 21 A: I guess I've had that title for  
 2 about a year.  
 23 Q: And prior to that?  
 24 A: I was Director of Marketing.  
 25 Q: And how long were you Director of

PAGE 3

1 Marketing?  
 2 A: Ah, probably since about 1990.  
 3 Q: And is the Director of Public  
 4 Affairs, is that a promotion or a change in  
 5 position or was there -.  
 6 A: It's no, I mean, it's basically the  
 7 same duties and responsibilities, it's just  
 8 a re-org and change in title.  
 9 Q: Okay. What are your duties and  
 10 responsibilities?  
 11 A: Well, I'm responsible for all  
 12 public relations, media relations, customer  
 13 relations, activities on behalf of the  
 14 commission.  
 15 Q: Okay. And what, what who do you  
 16 report to?  
 17 A: I report to Greg Richards.  
 18 Q: Okay.  
 19 A: Under customer service.  
 20 Q: And, is that, has that been your  
 21 direct report, either him or the position  
 22 occupied by him since 1990?  
 23 A: Since, yes that's correct.  
 24 Q: And prior to 1990 how were you  
 25 employed?

PAGE 4

1 A: I was Director of Traveler Services  
 2 for the commission.  
 3 Q: Director of Traveler?  
 4 A: Traveler Services, correct.  
 5 Q: And how long total have you been  
 6 with the Pennsylvania ---  
 7 A: Twenty-four and a half years.  
 8 Q: Any, any experience in the  
 9 communication center?  
 10 A: Yes, I do.  
 11 Q: What's your experience in the  
 12 communication center?  
 13 A: Well in my various, in my various  
 14 positions and also in my role as a Turnpike  
 15 Senior Duty Officer since about 1980, I have  
 16 had occasion to interact via phone and in  
 17 person in the ops center. I'm also, because  
 18 of my role in public affairs, and marketing,  
 19 because the need to communicate with the  
 20 outside world about incidents or things that  
 21 were going on, on the turnpike. There were  
 22 many occasions where I would; my presence was  
 23 required in the - center during certain  
 24 events.  
 25 Q: Did you say, you were a Senior

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## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 2 PAGE 5

1 Rating Operator?

2 A: Senior Duty Officer.

3 Q: Senior Duty Officer.

4 A: That's correct.

5 Q: When did you serve in that  
6 position?

7 A: I still do since 1980.

8 Q: What is, that, what do you do as  
9 Senior Duty Officer?

10 A: Senior Duty Officer essentially  
11 serves in the absence of the executive  
12 director when there's an event that occurs.  
13 When we're on call on a rotating basis, on a  
14 weekly basis. There's a Senior Duty Officer  
15 that would be called by the ops center in the  
16 event of a major incident. To run, run you  
17 know, the things by them, make them aware of  
18 the incident, seek advice, counsel,  
19 directions, etc.

20 Q: You said in the absence of the  
21 executive director?

22 A: That's correct. And that applied  
23 mostly off hours, weekends, you know when  
24 something occurred, we, we, we act in their  
25 stead, as a senior person, to deal with those

PAGE 6

1 events.

2 Q: So in the on hours.

3 A: It still applies, I mean, ah---

4 Q: Who is, who is the senior?

5 A: Well, it all depends, I mean,  
6 what's going on. I mean right now, the  
7 primary report for an event would be you  
8 know, the director of operations center and  
9 incident management, which is you know, the  
10 primary report.

11 Q: Okay, I'm just trying to  
12 understand, in whose absence do you occupy  
13 that position. Mr. Durbin, is that it?

14 A: That's correct.

15 Stenographer: Will you spell that for  
16 me?

17 Q: Durbin. D-U-R-B-I-N. And that is,  
18 so you're the number one point man for the  
19 Pennsylvania Turnpike Commission.

20 A: For the week that I'm on call,  
21 that's correct.

22 Q: Okay. Is that just for operations  
23 as used in emergency type issues?

24 A: That's correct.

25 Q: You've never worked in the

PAGE 7

1 operations center or communications office.

2 A: I was never employed by the  
3 operations center. I've worked in the  
4 operations center. I've spent many hours in  
5 the operations center.

6 Q: We're here to talk about some  
7 commotions that you were involved in. Okay,  
8 I'm going to show you a document that is  
9 marked Exhibit 6. I'm going to show you a  
10 document that says Exhibit 5, excuse me. And  
11 I'm going to turn you; I'll let you look at  
12 it as much as you want. Go ahead and then  
13 I'll ask you through it. On the third page of  
14 that document, it references you William  
15 Capone, as member of the interview panel?

16 A: Um-hmm.

17 Q: You recall being a member in an  
18 interview panel for the position for the duty  
19 officer position in the communications  
20 center?

21 A: I do.

22 Q: And I just want to ask you, if you  
23 flip the next page, and list of four  
24 candidates, Daniel Bretzman, Joel Davis Cindy  
25 Dietz and Martin Havrilla. Miss Dietz she

PAGE 8

1 was offered that position and declined it, is  
2 that correct? And then Daniel Bretzman was  
3 hired?

4 A: I recall that Cindy Dietz declined  
5 the position. I don't recall what happened  
6 after that, to be honest with you.

7 Q: But this is, this is the position  
8 that Cindy Dietz declined. From this  
9 selection, did she decline this position, is  
10 that correct?

11 A: I am not absolutely sure.

12 Q: But you recall her declining a  
13 position.

14 A: Yeah, I do, yes, that's correct.

15 Q: Okay. Umm, if you look at the  
16 first page of that document, do you  
17 understand that Mr. Bretzman filled that  
18 position at that time?

19 A: No I don't. I don't know that this  
20 was the exact position that he filled.

21 Q: But you do know that he was  
22 ultimately---

23 A: Yes I do, hired.

24 Q: Okay, and neither his name nor Miss  
25 Dietz appear on the court case correct?

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## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 3 PAGE 9

1 A: Correct.  
 2 Q: Miss Dietz name appears on the  
 3 second page, correct?  
 4 A: Yes.  
 5 Q: Do you have any understanding as to  
 6 the difference between the first page and  
 7 second page other than the physical  
 8 differences?  
 9 A: I do not.  
 10 Q: Okay. Let me back up a little.  
 11 Explain how, how this process works from,  
 12 from your stand point. I mean, I've been  
 13 talking to other players in the process, and  
 14 have a general understanding but I want to  
 15 know when you become involved and what you  
 16 did.  
 17 A: Can you be more specific when you  
 18 say this process.  
 19 Q: Well, the, this specific,  
 20 processes-  
 21 A: For this position?  
 22 Q: For this, the process for this  
 23 position differ from any other time you  
 24 participated in the interview and selection  
 25 process?

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1 A: No.  
 2 Q: Okay, so, when we use this process-  
 3 --  
 4 A: Okay.  
 5 Q: How did your involvement start and  
 6 what was your specific involvement?  
 7 A: Well, initially the decision is  
 8 made that you would be a member of the  
 9 interview team.  
 10 Q: Right.  
 11 A: And then you know, from that point,  
 12 the process where a job is posted and people  
 13 bid or outside candidates apply for  
 14 positions.  
 15 Q: So do you understand that the  
 16 interview team is assembled before the, the  
 17 job is posted?  
 18 A: I really don't know. I couldn't  
 19 say for sure in terms of the time when you  
 20 actually assemble the interview team.  
 21 Q: Who contacted you?  
 22 A: Ah, well, it would all depend who  
 23 was on the team. I mean, generally someone  
 24 who, who was primarily responsible for this  
 25 department position, you know and which

PAGE 11

1 department was would basically determine who  
 2 he wanted to help to assist in participating  
 3 in the interview process.  
 4 Q: Okay, do you recall being, because  
 5 the third page, subpoena for William Jacob  
 6 Capone, and Dennis G-E-N-E-V-I-E. Do you  
 7 recall the person you were documenting?  
 8 A: Yes, I believe he asked if I would  
 9 be willing to split in on this---  
 10 Q: How many duty officer positions  
 11 have you participated on in interview teams?  
 12 A: I believe, I can't say in terms of  
 13 positions. I believe there were at least  
 14 three occasions when I participated in the  
 15 interview team for an operation center duty  
 16 officer position.  
 17 Q: Umm, and were they, the three  
 18 occasions, all during that 1990-1999 time  
 19 frame?  
 20 A: I would say yes.  
 21 Q: In each instance were you  
 22 approached by Mr. McCool?  
 23 A: Umm, no.  
 24 Q: And other than Mr. McCool, who  
 25 approached you?

PAGE 12

1 A: The initial one which was prior to  
 2 Mr. McCool, arriving at the Turnpike, I  
 3 honestly don't recall.  
 4 Q: You say the initial one, is that the  
 5 initial one meaning, when the duty officer  
 6 position was first created?  
 7 A: That's correct.  
 8 Q: Other than that, have you been  
 9 approached by Mr. McCool to, to serve on duty  
 10 officer selection committees?  
 11 A: The one, the one I just mentioned.  
 12 And probably at least two on the three  
 13 occasions, I believe.  
 14 Q: Okay. I disrupted your flow on  
 15 your involvement on the process. You got to  
 16 the point of, it came up as to whether when  
 17 the panel was assembled. After the panel is  
 18 assembled, what, what, how did your  
 19 involvement; your specific involvement?  
 20 A: Well, the, the interviews were  
 21 scheduled with the individual candidates and  
 22 as a group, we meet and interview each  
 23 candidate.  
 24 Q: Okay.  
 25 A: And typically upon conclusion, the

## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 4 PAGE 13

1 conclusion of the individual interviews, as a  
2 group we share, discuss, share our comments  
3 and ultimately once the process was  
4 completed, we collect and prepare our  
5 recommendation.

6 Q: Okay. And was there a, what  
7 records were generated by the interviews? I  
8 had some questions I'll show.

9 A: Well, there was a standard set of  
10 questions that we all work from. And I don't  
11 know what other interview team members did,  
12 but typically, we make some notes during the  
13 interview.

14 Q: On the---

15 A: On the candidate you're  
16 interviewing. Correct.

17 Q: And on the questionnaire.

18 A: And on the questionnaire, correct.

19 Q: Was there anybody, anybody who  
20 prepared a summary of the interview or  
21 anything of that nature?

22 A: Ah no, not that I recall.

23 Q: Okay, and then, what is after each  
24 interview that the three persons who  
25 discussed the interview.

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1 A: That was the initial discussion,  
2 right, you know, while it was fresh in your  
3 mind, we talked about it after each one.

4 Q: Anything done to memorialize those  
5 discussions?

6 A: No.

7 Q: And from one interview to the  
8 other, any deliberation or discussion about  
9 the process?

10 A: No, pretty standard.

11 Q: So whatever time you set aside for  
12 the interview, during the process, you dealt  
13 with interviews, until you got to the point  
14 of recommendation.

15 A: That's correct.

16 Q: And umm, then at the point of  
17 making recommendation, let's use this as an  
18 example. First of all was Mr. Bretzman  
19 interviewed?

20 A: Yes.

21 Q: Okay. Do you recognize this first  
22 page of promotion application? Not  
23 specifically this but as a form, what it is?

24 A: I'm not, no I'm not really familiar  
25 with this form.

PAGE 15

1 Q: Umm, and you do recall interviewing  
2 Mr. Bretzman.

3 A: Yes.

4 Q: And do you ever, have you ever  
5 interviewed him more than once?

6 A: No.

7 Q: You only ever interviewed him once.

8 A: To the best of my recollection, I  
9 don't remember interviewing him more than one  
10 time.

11 Q: There's a document here marked  
12 Exhibit 4.

13 A: Okay.

14 Q: In this one, he's listed as, and he  
15 also appears on the--- can you tell when you  
16 interviewed him? You don't recall whether  
17 you interviewed him more than once.

18 A: I do not.

19 Q: With respect to Exhibit 5, do you  
20 recall anything specific about this process?  
21 I mean, can you actually recall the  
22 interviews?

23 A: I mean, you know, I recall  
24 interviewing two of the names on the first  
25 sheet is familiar. I can't say that I recall

PAGE 16

1 the other two names. No specific  
2 recollection of them, no.

3 Q: I mean, was, was the process for  
4 that position different in terms of its  
5 length or any other? And those, ah, the four  
6 recommendations there, are they ah, do you  
7 recall discussing or deliberating those  
8 recommendations?

9 A: I don't recall specifically any  
10 deliberations, no.

11 Q: When the committee does that, their  
12 discussions or deliberations, how is the, how  
13 are the recommendations recorded?

14 A: The recommendations for?

15 Q: Yeah, I mean, does someone, does  
16 someone take notes, or do you have this form  
17 in here and you type it on there?

18 A: What form are you referring to?

19 Q: The page, that page.

20 A: This page. Recommended personnel  
21 actions?

22 Q: Yes.

23 A: Are you asking me how this?

24 Q: Yes, I am asking you, do you, do  
25 you, does someone sit on a typewriter and

## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 5 PAGE 17

1 type this up at a time. Or did someone make  
2 notes and then record it, or any other way?

3 A: Well, basically, one of the members  
4 of the interview team ultimately prepares  
5 this, these recommendations and they are  
6 reviewed by the other member of the interview  
7 team before they are finalized and forwarded.

8 Q: So, one of the, who, who takes  
9 responsibility for?

10 A: Ah, it depends, I mean it varies,  
11 in terms of who was, who was the leader  
12 responsible first before generating the  
13 recommendation.

14 Q: Okay. So the recommendations don't  
15 come on that meeting?

16 A: This is the only recommendation  
17 form that I'm aware of, yes.

18 Q: But, but, that form is not  
19 generated until after the, the panel meets  
20 and reviews and comes through a consensus  
21 right?

22 A: That's correct.

23 Q: And before the panel meets and  
24 reviews it and comes through a consensus.  
25 Someone has already taken the responsibility

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1 for assembling and drafting, is that correct?

2 A: Well.

3 Q: Draft the recommendation.

4 A: That's correct.

5 Q: So then that, it's not on that form  
6 as a draft recommendation.

7 A: Well no, I mean, I think it's put  
8 on this form. Obviously before any signatures  
9 are, are placed on it for review by the other  
10 members of the interview team to ensure that  
11 everybody is in agreement with the  
12 recommendation.

13 Q: Okay. Here's a, the PTT 0274, I  
14 made copies of it. Do you, do you, have you  
15 ever seen it?

16 A: No.

17 Q: What's the, who would have a  
18 letterhead or a stationery that says Central  
19 Office?

20 A: I'm not sure I understand your  
21 question.

22 Q: Well, I, I'm trying, it's that a  
23 document. What I'm trying to understand is,  
24 is this something that may have come to the  
25 committee as, as the proposal from one of the

PAGE 19

1 panelist that we discussed. You know, the  
2 process we've been talking about here.

3 A: Are you asking me who would  
4 generate?

5 Q: Yes, if you, if you know.

6 A: I do not know.

7 Q: Umm, is it possible that neither Mr.  
8 Bretzman or Miss Deets were interviewed in or  
9 around January 2000, but their names were  
10 placed on that document?

11 A: I don't know.

12 Q: Is it possible? Do you know  
13 whether it's possible?

14 A: I don't know.

15 Q: How many times did you interview  
16 Cindy Deets?

17 A: I honestly don't recall.

18 Q: What are the responsibilities of  
19 the lead interviewer?

20 A: Well, I mean, basically. Most of  
21 the responsibilities more has to do with  
22 preparation before and after the interview,  
23 than it does specifically with inducting one.

24 Q: Okay.

25 A: Helping to organize, you know,

PAGE 20

1 prepare.

2 Q: Did, did the lead interview had any  
3 involvement in assembling the team or  
4 determining the candidates?

5 A: The lead interview, interviewer in  
6 some, some cases obviously would be the  
7 person that would, you know, ask, identify  
8 people and ask them to speak on the interview  
9 team.

10 Q: Okay, briefly, here on Exhibit 3,  
11 which is a vacancy notice dated 4/23/99.

12 A: Okay.

13 Q: And if you look at the bottom of  
14 that document, asterisk, indicating that  
15 there are three positions vacant at that  
16 time. Do you recall that, in or around  
17 April, May 1999 you participated on a panel  
18 for filling vacant, three vacant duty  
19 officers in the communications center?

20 A: I don't recall specifically how  
21 many vacant positions there were.

22 Q: Do you ah, have you ever seen that  
23 document before, the vacancy notice?

24 A: No.

25 Q: As a general rule, do you know in

## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 6 PAGE 21

1 advance of your participating in the process,  
2 how many positions are being filled?

3 A: I know how many positions,  
4 vacancies are being posted, yes, generally  
5 speaking.

6 Q: Do you have any reason to umm,  
7 dispute, at least at some point, you knew  
8 that you were interviewing, there were three  
9 vacancies that you were interviewing?

10 A: In which, I mean, instance.

11 Q: In this, in this instance, April,  
12 May 1999.

13 A: I mean, I don't recall  
14 specifically, but you know, it's hard to  
15 answer that question.

16 Q: But you had nothing, you have no  
17 reason to say, "No, I know that was not the  
18 case", correct?

19 A: That's correct.

20 Q: Okay. The third page of Exhibit 8,  
21 it's a, Joel Sullivan, Joseph L. Quairoli,  
22 and William J. Capone as the person who  
23 conducted the interview, is that, is that, do  
24 you have a recollection of that being the  
25 panel?

PAGE 22

1 A: Yes.

2 Q: Okay. Do you umm, do you recall  
3 how this panel was assembled?

4 A: I do not.

5 Q: From when I asked you before of  
6 anybody that has ever contacted you about  
7 participating in the panel, you didn't  
8 identify Joel Sullivan.

9 A: Didn't identify him for---

10 Q: For someone who had contacted you,  
11 saying, "Hey, we have some vacancies, we'd  
12 like you to participate on the panel", you  
13 give---

14 A: Is that a question?

15 Q: Yes, I mean, did he, did he ever  
16 approach you about participating on that?

17 A: I don't recall whether he did or  
18 not.

19 Q: And on the bottom of that page, the  
20 estimation of the interview and the selection  
21 process, it does say on the third line,  
22 William Capone was the lead interviewer.

23 A: Um-hum, yes.

24 Q: Now, as lead interviewer, what did  
25 you do in this, in connection with this

PAGE 23

1 process?

2 A: Again, as I previously stated, as a  
3 lead interview, interviewer, I was  
4 responsible for making the initial  
5 preparations for scheduling the interviews  
6 and conducting interviews, ultimately  
7 preparing the recommendation for personnel  
8 action.

9 Q: Okay. Do you have any, any  
10 understanding as to why Joe McCool did not  
11 participate in this, on this panel?

12 A: I don't recall that.

13 Q: Did you have any discussions with  
14 anybody concerning that, that matter, Mr.  
15 McCool's absence from this panel?

16 A: Not that I recall, no.

17 Q: Did they call you for any  
18 questions?

19 A: Did they what?

20 Q: Did you have any, any questions that  
21 you asked or didn't ask?

22 A: About?

23 Q: About why Joe McCool did not?

24 A: No.

25 Q: If you look at the first few pages

PAGE 24

1 of these documents, you had eight qualified  
2 candidates. Did you, it indicate that you  
3 only interviewed five of them, on the third  
4 page.

5 A: Correct.

6 Q: You have no reason to disagree that  
7 you were interviewing for three positions,  
8 correct?

9 WEINBERG: I am objecting this form, it's  
10 misleading.

11 Q: Why did you recommend only two  
12 people if you took to the fourth page, you  
13 have Fred Jumper and Dale Wickerd? Why only  
14 two?

15 A: Because they are the two candidates  
16 that we felt were qualified for the position.

17 Q: First few pages you showed me that  
18 eight people were qualified. Why is that?

19 A: That is not a determination of the  
20 interview panel. That is the determination  
21 of the human resource department. Those are  
22 the people who meet the minimum  
23 qualifications.

24 Q: Qualifications, did Fred Jumper had  
25 that Harry Williams didn't?

## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 7 PAGE 25

1 A: Umm I felt, my personal, I'm just  
2 giving you my personal view of, at the time,  
3 I felt based on my understanding of the, of  
4 the job description, this was a new position,  
5 relatively new position that was created.  
6 Again based on my understanding of the duties  
7 and responsibilities of this new position, it  
8 was clear to me that it required individuals  
9 that had strong management and decision-  
10 making and leadership skills. I felt that  
11 based on my interaction with Fred over the  
12 years, you know as a Senior Duty Officer in  
13 my time spent in the ops center based on  
14 personal observation, I felt that he  
15 possessed these skills.

16 Q: And Dale Wickerd?

17 A: Same thing would apply. Again I  
18 interacted with Dale on many occasions,  
19 observed him, you know in the ops center. I  
20 felt that he possessed the skills that I, I  
21 previously mentioned.

22 Q: How many words a minute does Fred  
23 Jumper, or did Fred Jumper type at the time?

24 A: I do not know.

25 Q: Did there, was there any inquiry

PAGE 26

1 made at that point?

2 A: No, I don't recall, no.

3 Q: Same questions with respect to Dale  
4 Wickerd?

5 A: Correct.

6 Q: Umm, in the number of times that  
7 you had participated as selection panelist  
8 for the duty officer position. Did you ever  
9 discuss anybody's typing abilities?

10 A: Not that I recall, no.

11 Q: Was it ever a factor in any  
12 decision?

13 A: Typing skills?

14 Q: Yes.

15 A: No.

16 Q: Do you have an understanding of  
17 this position senior radio operator was?

18 A: Yes.

19 Q: What is it?

20 A: They essentially serve as the shift  
21 leader in most shifts. They are these radio  
22 operators with the most experience in  
23 seniority.

24 Q: Okay. Do you know whether Mr.  
25 Jumper and Mr. Wickerd served as senior radio

PAGE 27

1 operators in between their service?

2 A: I, I really don't recall. I  
3 believe Mr. Wickerd is obviously a radio  
4 operator too, and, and served as a shift  
5 leader for some period of time. I don't  
6 recall whether Mr. Jumper did or not.

7 Q: And do you understand the position  
8 of senior radio operator as being the  
9 predecessor position to the duty officer.

10 A: No, I don't think they're  
11 comparable, no.

12 Q: How are they different?

13 A: Well, the, the senior, the shift  
14 leader or whatever refer to the senior---

15 Q: Senior radio operator.

16 A: Right, umm, the, essentially we're  
17 a bargaining unit employee. And basically,  
18 you know, one of the, one of the problems  
19 there in terms of supervising other  
20 bargaining employees, it was really one of  
21 the key requirements or reasons for creating  
22 the operations center, duty officer position.  
23 We need to introduce more day to day  
24 management within the operations center.  
25 That's one of the primary responsibilities,

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1 included in that new job description.

2 Q: Is there anything that a duty  
3 officer does that a senior radio operator  
4 didn't do?

5 A: Yes.

6 Q: What?

7 A: There's a lot of things; I guess  
8 most notably, and again another, another  
9 reason for the need to create this new  
10 position is the advent of the advance  
11 traveler information systems that were coming  
12 on line. And the other radio communications  
13 requirements and duties in terms of, that  
14 were required of the person in addition to  
15 the management duties. Supervisory duties  
16 that we felt needed to be introduced in the  
17 ops center, so.

18 Q: When did that ah, advance traveler  
19 information system, when did that come on  
20 line?

21 A: I can't specifically remember, you  
22 know it's been faced, in over many years,  
23 since you know, in the early to mid '90's  
24 when we started introducing some of the  
25 various devices on the turnpike.

## VIDEO DEPOSITION OF WILLIAM CAPONE

SHEET 8 PAGE 29

1 Q: That was the factor in the change  
2 to, from senior radio operator to duty  
3 officer.  
4 A: Well that was a factor in deciding  
5 to create a new position for the operation  
6 center, yes.  
7 Q: With something like the advance  
8 traveler's information system, is there  
9 anything apart from working on it and working  
10 with it to know how to work on.  
11 A: I'm not sure I understand the  
12 question.  
13 Q: Advance traveler information system  
14 is something set up strictly for the  
15 turnpike, is that correct?  
16 A: That's correct.  
17 Q: So there's no one outside the  
18 turnpike that you go to as an advance  
19 traveler information service expert, correct?  
20 A: That's correct.  
21 Q: And you didn't, you didn't need to  
22 hire new staff because you've got this new  
23 advance traveler information system in place,  
24 correct.  
25 A: Again only the creation of the

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1 operations on the duty officer positions.  
2 Q: Right. The form that, do you know,  
3 where you responsible for typing this up?  
4 A: I don't specifically recall that I  
5 did, but.  
6 Q: Who was there any discussion as to  
7 the entry note other candidates recommended  
8 as to placing that, making that notation on  
9 the form?  
10 A: I really don't recall.  
11 Q: Do you in this instance, as the  
12 lead interviewer, who made the preliminary  
13 recommendation?  
14 A: Again, as I said, I don't recall  
15 whether or not I prepared this  
16 recommendation. As I said earlier though the  
17 lead interviewer typically assume that  
18 responsibility. Again, this was no pertinent  
19 than any, any of the other process.  
20 Q: Martin ?  
21 A: Yes.  
22 Q: He was, he was made a duty officer  
23 at some point, right.  
24 A: I'm not sure about that.  
25 Q: Now, he's just a radio operator,

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1 right?  
2 A: Right, as my understanding.  
3 Q: As specifically as you can, tell me  
4 why Harry Williams was not worthy as a  
5 candidate to recommend?  
6 A: Because I didn't believe that Harry  
7 possessed the skills that I mentioned  
8 previously. I felt that was essential to  
9 successfully perform in the duties of the  
10 operations center, for the duty officer.  
11 Q: Tell me what, factually supported  
12 your opinion.  
13 A: Again, my interaction with all the  
14 individuals mentioned. The time I spent in  
15 the ops center, interacting with them,  
16 observing them. The time I spent as a senior  
17 duty officer on a number of instances on the  
18 phone when I was called overnight.  
19 Q: When you learned the facts, tell  
20 what the facts are.  
21 A: Excuse me?  
22 Q: Why, you said, based on your  
23 experience, your familiarity, your being  
24 around, based on knowing. But you're not  
25 telling me why, what about Harry Williams, on

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1 such and such a date I saw him picking his  
2 nose when he should've been answering the  
3 phone, you know, give me, tell me why. What  
4 about Harry Williams?  
5 A: Can you ask me a direct question?  
6 I'm not sure I'm following you.  
7 Q: Yes, I tried asking you a direct,  
8 but you didn't answer me. Why, what facts  
9 support your opinion that Harry Williams was  
10 not worthy of not being recommended as a  
11 candidate for duty officer position?  
12 A: Again for me, I can only base it on  
13 what I know Harry, my experience with Harry,  
14 my involvement with Harry.  
15 Q: What do you know of Harry, what's  
16 your experience of Harry, what's your  
17 involvement with Harry, tell me?  
18 A: I think I've explained my  
19 involvement in my, you know, the fact that,  
20 you know, in my interaction as a senior duty  
21 officer, when he would call me or when we  
22 would discuss incidents  
23 Q: Give me some example.  
24 A: It's hard to give -.  
25 WEINBERG: Do you understand the

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1 question?

2 **A: Not necessarily.**

3 Q: You don't know what, okay. I'm  
4 trying to understand, but if you don't  
5 understand the question, I kind of feel bad  
6 for the turnpike, but, what about your  
7 experience, what about your involvement?  
8 Harry Williams did this, Harry Williams said  
9 this, Harry Williams didn't do this, I saw  
10 Harry Williams interact with this person in  
11 this way. Can you tell me anything? Any  
12 fact of your observations of Harry Williams  
13 that lead you to form your opinion that he's  
14 not qualified for that position.

15 **A: No it's difficult to point the one**  
16 **specific thing. It's the accumulation of**  
17 **experiences, and, and in observing Harry and**  
18 **forming opinions, in how he conducted himself**  
19 **in the ops center. And again it basically**  
20 **got down, in my case, my view of whether**  
21 **Harry could assume these additional duties**  
22 **and, and, and manage other people and make,**  
23 **make decisions. The kind of decisions that**  
24 **were necessary and perform the duties and**  
25 **responsibilities of this new position which**

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1 **we felt were, were, were critical to,**  
2 **especially the operations center.**

3 Q: So is it fair for me to conclude  
4 then, that you cannot tell me a single fact,  
5 a single instance where you observed Harry  
6 that you, that formed one of the many facets  
7 of your opinion, that ah, based on your  
8 experience that he was not qualified for that  
9 position?

10 **A: It's difficult to think of one**  
11 **specific, no. It's hard to answer that**  
12 **question.**

13 Q: I'll ask you again at the trial. So  
14 maybe now and then you can, you know, put  
15 your heads together and see if you can come  
16 up with something.

17 WEINBERG: This is not for the record  
18 that it is not appropriate and superfluous.

19 Q: He's saying he can't recall and I'm  
20 telling him that-.

21 WEINBERG: You're asking him to recall a  
22 specific incident in what Mr. Capone is  
23 telling you in what I've heard him say is  
24 that it's an accumulation of experiences over  
25 many years which led him to believe that Mr.

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1 Williams was not suitable to be a duty  
2 officer.

3 Q: Right.

4 WEINBERG: That was his testimony, if you  
5 don't like it, tough.

6 Q: Well let me tell you why it is a  
7 completely fair comment for me to make.  
8 Because I think he agreed that he could not  
9 recall a specific incident. But it was based  
10 on his experience. And I want that on the  
11 record. So when I question him at trial, I  
12 can say, "Do you remember on July 18, 2002 I  
13 said to you, I'm going to ask you this  
14 question at the time of trial. And between  
15 now and then, you have to come up with a  
16 single fact". That's why that's a fair  
17 comment.

18 WEINBERG: I have one question you  
19 testified with respect to the Addis of the  
20 Traveler Advisory System information system.  
21 Did you consider whether Mr. Williams  
22 possessed the necessary computer skills to  
23 function as a duty officer, is that part of  
24 your function?

25 OSTROWSKI: Objection you can answer.

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1 **A: That was a consideration yes.**

2 Q: I believe we concluded that Harry  
3 didn't - the computer skills the PC skills we  
4 felt that were necessary to assume the  
5 necessary duties that were associated with  
6 the advance travelor information system.

7 WEINBERG: Thank you.

8 OSTROWSKI: Why after everything we  
9 just went through didn't you answer that when  
10 I asked that question?

11 Q: It didn't come to mind.

12 OSTROWSKI: I have nothing else.

13 VIDEO OPERATOR: It is now 3:45 p.m.  
14 and the deposition of William Capone is  
15 completed. Suspending audio and video  
16 operations. Thank you.

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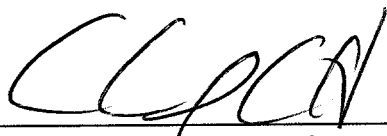
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Dated: September 24, 2002